United Nations S/2005/803

Security Council

Distr.: General
19 December 2005

Original: English

Denmark and United Republic of Tanzania: draft resolution

The Security Council,

Guided by the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming the 2005 World Summit Outcome,[1]

Recalling in particular paragraphs 97 to 105 of that resolution,

Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Emphasizing the need for a coordinated, coherent and integrated approach to post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace,

Recognizing the need for a dedicated institutional mechanism to address the special needs of countries emerging from conflict towards recovery, reintegration and reconstruction and to assist them in laying the foundation for sustainable development,

Recognizing also the vital role of the United Nations in preventing conflicts, assisting parties to conflicts to end hostilities and emerge towards recovery, reconstruction and development and in mobilizing sustained international attention and assistance,

Reaffirming the respective responsibilities and functions of the organs of the United Nations as defined in the Charter and the need to enhance coordination among them,

Affirming the primary responsibility of national and transitional Governments and authorities of countries emerging from conflict or at risk of relapsing into conflict, where they are established, in identifying their priorities and strategies for post-conflict peacebuilding, with a view to ensuring national ownership,

Emphasizing, in that regard, the importance of supporting national efforts to establish, redevelop or reform institutions for effective administration of countries emerging from conflict, including capacity-building efforts,

[1] Resolution 60/1.

05-65447 (E) 201205

Recognizing the important role of regional and subregional organizations in carrying out post-conflict peacebuilding activities in their regions, and stressing the need for sustained international support for their efforts and capacity-building to that end,

Recognizing also that countries that have experienced recent post-conflict recovery would make valuable contributions to the work of the Peacebuilding Commission,

Recognizing further the role of Member States supporting the peacekeeping and peacebuilding efforts of the United Nations through financial, troop and civilian police contributions,

Recognizing the important contribution of civil society and non-governmental organizations, including women's organizations, to peacebuilding efforts,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peacebuilding, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution and peacebuilding,

1. *Decides*, acting concurrently with the General Assembly, in accordance with Articles 7, 22 and 29 of the Charter of the United Nations, with a view to operationalizing the decision by the World Summit, to establish the Peacebuilding Commission as an intergovernmental advisory body;

2. *Also decides* that the following shall be the main purposes of the Commission:

(a) To bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery;

(b) To focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and to support the development of integrated strategies in order to lay the foundation for sustainable development;

(c) To provide recommendations and information to improve the coordination of all relevant actors within and outside the United Nations, to develop best practices, to help to ensure predictable financing for early recovery activities and to extend the period of attention given by the international community to post-conflict recovery;

3. *Decides* that the Commission shall meet in various configurations;

4. *Also decides* that the Commission shall have a standing Organizational Committee, responsible for developing its own rules of procedure and working methods, comprising:

(a) Seven members of the Security Council, including permanent members, selected according to rules and procedures decided by the Council;

(b) Seven members of the Economic and Social Council, elected from regional groups according to rules and procedures decided by the Council and giving due consideration to those countries that have experienced post-conflict recovery;

(c) Five top providers of assessed contributions to United Nations budgets and of voluntary contributions to United Nations funds, programmes and agencies, including the standing peacebuilding fund, that are not among those selected in (a) or (b) above, selected by and among the ten top providers, giving due consideration to the size of their contributions, according to a list provided by the Secretary-General, based on the average annual contributions in the previous three calendar years for which statistical data are available;

(d) Five top providers of military personnel and civilian police to United Nations missions that are not among those selected in (a), (b) or (c) above selected by and among the ten top providers, giving due consideration to the size of their contributions, according to a list provided by the Secretary-General, based on the average monthly contributions in the previous three calendar years for which statistical data are available;

(e) Giving due consideration to representation from all regional groups in the overall composition of the Committee and to representation from countries that have experienced post-conflict recovery, seven additional members shall be elected according to rules and procedures decided by the General Assembly;

5. *Emphasizes* that a Member State can only be selected from one category set out in paragraph 4 above at any one time;

6. *Decides* that members of the Organizational Committee shall serve for renewable terms of two years, as applicable;

7. *Also decides* that country-specific meetings of the Commission, upon invitation of the Organizational Committee referred to in paragraph 4 above, shall include as members, in addition to members of the Committee, representatives from:

(a) The country under consideration;

(b) Countries in the region engaged in the post-conflict process and other countries that are involved in relief efforts and/or political dialogue, as well as relevant regional and subregional organizations;

(c) The major financial, troop and civilian police contributors involved in the recovery effort;

(d) The senior United Nations representative in the field and other relevant United Nations representatives;

(e) Such regional and international financial institutions as may be relevant;

8. *Further decides* that a representative of the Secretary-General shall be invited to participate in all meetings of the Commission;

9. *Decides* that representatives from the World Bank, the International Monetary Fund and other institutional donors shall be invited to participate in all meetings of the Commission in a manner suitable to their governing arrangements;

10. *Emphasizes* that the Commission shall work in cooperation with national or transitional authorities, where possible, in the country under consideration with a view to ensuring national ownership of the peacebuilding process;

11. *Also emphasizes* that the Commission shall, where appropriate, work in close consultation with regional and subregional organizations to ensure their

involvement in the peacebuilding process in accordance with Chapter VIII of the Charter;

12. *Decides* that the Organizational Committee shall, taking due consideration to maintaining a balance in addressing situations in countries in different regions in accordance with the main purposes of the Commission as stipulated above, establish the agenda of the Commission based on the following:

(a) Requests for advice from the Security Council;

(b) Requests for advice from the Economic and Social Council or the General Assembly with the consent of a concerned Member State in exceptional circumstances on the verge of lapsing or relapsing into conflict and with which the Security Council is not seized in accordance with Article 12 of the Charter;

(c) Requests for advice from Member States in exceptional circumstances on the verge of lapsing or relapsing into conflict and which are not on the agenda of the Security Council;

(d) Requests for advice from the Secretary-General;

13. *Also decides* that the Commission shall make the outcome of its discussions and recommendations publicly available as United Nations documents to all relevant bodies and actors, including the international financial institutions;

14. *Invites* all relevant United Nations bodies and other bodies and actors, including the international financial institutions, to take action on the advice of the Commission, as appropriate and in accordance with their respective mandates;

15. *Notes* that the Commission shall submit an annual report to the General Assembly and that the Assembly shall hold an annual debate to review the report;

16. *Underlines* that in post-conflict situations on the agenda of the Security Council with which it is actively seized, in particular when there is a United Nations-mandated peacekeeping mission on the ground or under way and given the primary responsibility of the Council for the maintenance of international peace and security in accordance with the Charter, the main purpose of the Commission will be to provide advice to the Council at its request;

17. *Also underlines* that the advice of the Commission to provide sustained attention as countries move from transitional recovery towards development will be of particular relevance to the Economic and Social Council, bearing in mind its role as a principal body for coordination, policy review, policy dialogue and recommendations on issues of economic and social development;

18. *Decides* that the Commission shall act in all matters on the basis of consensus of its members;

19. *Notes* the importance of participation of regional and local actors, and stresses the importance of adopting flexible working methods, including use of videoconferencing, meetings outside of New York and other modalities, in order to provide for the active participation of those most relevant to the deliberations of the Commission;

20. *Calls upon* the Commission to integrate a gender perspective into all its work;

21. *Encourages* the Commission to consult with civil society, non-governmental organizations, including women's organizations, and the private sector engaged in peacebuilding activities, as appropriate;

22. *Recommends* that the Commission terminate its consideration of a country-specific situation when foundations for sustainable peace and development are established or upon the request by national authorities of the country under consideration;

23. *Reaffirms* its request to the Secretary-General to establish, within the Secretariat, from within existing resources, a small peacebuilding support office staffed by qualified experts to assist and support the Commission, and recognizes in that regard that such support could include gathering and analysing information relating to the availability of financial resources, relevant United Nations in-country planning activities, progress towards meeting short and medium-term recovery goals and best practices with respect to cross-cutting peacebuilding issues;

24. *Also reaffirms* its request to the Secretary-General to establish a multi-year standing peacebuilding fund for post-conflict peacebuilding, funded by voluntary contributions and taking due account of existing instruments, with the objective of ensuring the immediate release of resources needed to launch peacebuilding activities and the availability of appropriate financing for recovery;

25. *Requests* the Secretary-General to report to the General Assembly on the arrangements for establishing the peacebuilding fund during its sixtieth session;

26. *Calls* on relevant bodies and Member States referred to in paragraph 4 above to communicate the names of members of the Organizational Committee to the Secretary-General to enable him to convene the first constituting meeting of the Committee as soon as possible following the adoption of the present resolution;

27. *Decides* that the arrangements set out above will be reviewed five years after the adoption of the present resolution to ensure that they are appropriate to fulfil the agreed functions of the Commission and that such a review and any changes as a result thereof will be decided following the same procedure as set out in paragraph 1 above;

28. *Decides* to remain seized of the matter.

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Security Council

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19 December 2005

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Letter dated 6 December 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I have the honour to draw your attention to the statement on the agreement between the political parties and the Maoists in Nepal, issued on 5 December 2005 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
to the United Nations

05-65239 (E) 221205

Annex to the letter dated 6 December 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

[Original: English, French and Spanish]

Statement on the agreement between the political parties and the Maoists in Nepal issued on 5 December 2005 by the Presidency on behalf of the European Union

The European Union recognizes the effort of the political parties in Nepal in securing an agreement with the Maoists, which could form the basis for a peace process in Nepal. The European Union will be considering in detail the announcements made by the political parties and the Maoists.

The European Union welcomed the announcement of a unilateral ceasefire in September. At the same time the European Union also urged the Maoists to take concrete steps towards a permanent end to the use of violence for political ends. The agreement between the parties and the Maoists seems to make some positive moves in that direction.

The European Union continues to support a transition of the Maoists into a mainstream political party, but reiterates its belief that such a process must entail a firm commitment by the Maoists to renounce violence, including by putting its weapons verifiably beyond use. As a first step, the European Union calls on the Maoists to extend their present ceasefire and to work to create the right conditions for peace talks to resume.

As the Troika said in October, the European Union urges the King to reach out to the political parties to develop a common agenda for a full return to multiparty democracy. To this end, the European Union urges the King and the Government of Nepal to call a truce and begin serious engagement on a negotiated settlement to the conflict.

The European Union repeats its readiness to support a meaningful peace process.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this statement.

* Croatia continues to be a part of the stabilization and association process.

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Security Council

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19 December 2005

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Letter dated 6 December 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I have the honour to draw your attention to the statement in response to the closure of Radio Sagamartha FM in Nepal issued on 5 December 2005 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
to the United Nations

05-65247 (E) 211205

Annex to the letter dated 6 December 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

[Original: English, French and Spanish]

Statement in response to the closure of Radio Sagamartha FM in Nepal issued on 5 December 2005 by the Presidency on behalf of the European Union

The European Union continues to be deeply concerned by the actions of the Government of Nepal to impose and enforce repressive restrictions on the media in Nepal. As we have said previously, the amendments contained in the new Media Ordinance infringe the universal right to freedom of expression.

Accordingly, we condemn the seizure of radio equipment on 27 November 2005 from the Sagamartha FM station in Kathmandu by the security forces.

The European Union again calls upon the Government of Nepal to uphold the fundamental rights guaranteed by the Constitution of the Kingdom of Nepal and allow the people of Nepal their universal right to freedom of expression.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

United Nations S/2005/806

Security Council

Distr.: General
19 December 2005

Original: English

Denmark and United Republic of Tanzania: draft resolution

The Security Council,

Recalling resolution 1645 (2005),

1. *Decides* pursuant to paragraph 4 (a) of resolution 1645 (2005) that the permanent members listed in article 23 (1) of the Charter shall be members of the Organizational Committee of the Peacebuilding Commission and that, in addition, the Council shall select annually two of its elected members to participate in the Organizational Committee;

2. *Decides* that the annual report referred to in paragraph 15 of resolution 1645 (2005) shall also be submitted to the Security Council for an annual debate.

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Security Council

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Letter dated 19 December 2005 from the Secretary-General addressed to the President of the Security Council

I write further to my letter of 17 October 2005 to the President of the Security Council and to the letter dated 11 November 2005 from the President of the Security Council to me.

Based on the above-mentioned letter of 17 October 2005, I have the honour to inform you that some progress has been made on the amendments to the letters of credit by the relevant authorities of the Government of Iraq. However, little progress has been made with regard to the processing of authentication documents.

Bearing in mind the timetable envisaged in the annex to my letter of 17 October 2005 and the letter dated 11 November 2005 from the President of the Security Council, I am providing in the attached note an update on the implementation of the new arrangements concerning the termination of operations relating to the letters of credit raised against the United Nations Iraq Account.

(*Signed*) Kofi A. **Annan**

05-65710 (E) 291205

Annex

Note by the Secretary-General on arrangements for terminating the operations relating to the letters of credit raised against the United Nations Iraq Account under Security Council resolution 1483 (2003)

(Follow-up to the letter dated 11 November 2005 from the President of the Security Council addressed to the Secretary-General)

1. As I had indicated in the annex to my letter of 17 October 2005, funding was retained for 549 letters of credit that were reported by BNP Paribas (the Bank) as open as of 31 July 2005. Subsequent to this, 44 letters of credit were paid, 17 were reinstated for purposes of making payments to suppliers who delivered goods in Iraq and 3 were cancelled with no activity. Subsequent to my letter of 17 October 2005, the concerned authorities of the Government of Iraq provided the United Nations with 127 formal requests for amendments and reinstatements to the existing letters of credit as a result of which shipment dates and validity dates were extended for certain letters of credit, as indicated in paragraphs 4, 6, 9 and 11 of the annex to my letter of 17 October 2005 and table 1 below. After the processing of all amendment requests from the relevant authorities of the Government of Iraq, funding for 524 letters of credit is still being retained in the United Nations Iraq Account as of 30 November 2005.

Table 1
Summary of status of letters of credit

Expiration period	*As reported in 8 August letter*	*As per present report*	*Net change*
Expired by 31 December 2004	249	223	(26)
Expiring in 2005	286	162	(124)
Expiring in 2006	12	137	125
Expiring in 2007	2	2	0
Total	**549**	**524**	**(25)**

Letters of credit that had expired by 31 December 2004

2. It will be recalled that I had indicated in paragraph 3 of the annex to my letter of 17 October 2005 that the cash collateral supporting the 249 letters of credit that expired by 31 December 2004 would be kept in the United Nations Iraq Account until 31 December 2005 to allow the relevant authorities to process the authentication documents for goods that were shipped during the validity of the letters of credit. Twenty-six letters of credit were fully paid subsequent to my letter of 17 October 2005 as a result of which 223 letters of credit remained as of 30 November 2005, as shown in table 2. Funds associated with those letters of credit will be kept in the United Nations Iraq Account until 31 December 2005.

3. In addition, it should be recalled that I had indicated in the annex to my letter of 17 October 2005 that the relevant authorities had asked for an extension of some 46 letters of credit to 19 June 2006. After eliminating one letter of credit that was fully paid and four duplicate requests, that request was reduced to 41 letters of credit with a total value of 50 million United States dollars ($) as of 30 November 2005. It might also be recalled that I had concurred with the requests based on the urgency of the projects and the current situation in Iraq. The United Nations has so far received requests for extensions of four letters of credit, and they have been processed. The United Nations is ready to process the amendment requests for the remaining 37 letters of credit (see table 3) so long as the amendment requests are received by 31 December 2005.

Letters of credit expiring in 2005

4. It should also be recalled that I had indicated in paragraph 6 of the annex to my letter of 8 August 2005 that the United Nations would reinstate or extend the validity period of the letters of credit for any of the 286 letters of credit expiring in 2005. As of 30 November 2005, upon receipt of formal requests, 36 letters of credit were paid in full and 3 were cancelled. A total of 39 were reinstated for payment in 2005, and 124 were extended through 2006, leading to a net change of 124 letters of credit that have been processed. Consequently, as shown in table 4, 162 letters of credit remain. The United Nations is ready to process requests for amendments for the remaining 162 letters of credit for shipment dates and expiry dates so long as the requests are received by 31 December 2005.

Letters of credit due to expire in 2006-2007

5. As indicated in paragraph 9 of the annex to my letter of 17 October 2005, nine letters of credit were to be extended into 2006 and 2007. They now number eight after eliminating one duplicate request. The United Nations has received and processed extensions for four of the letters of credit as per the request of the relevant authorities of the Government of Iraq. I recall that I had indicated in paragraph 9 of the annex to my letter of 17 October 2005 that those letters of credit are related to vital electricity generation and oil infrastructure projects that are critical to the welfare of the Iraqi people. Hence, the United Nations is ready to process the extensions of the remaining four letters of credit so long as the necessary requests are received by 31 December 2005.

6. Furthermore, as indicated in paragraph 4 above, 124 letters of credit that were to expire by 31 December 2005 have been extended through 2006. In addition, two reinstatements were processed, and out of the 12 letters of credit reported in table 1 above, one letter of credit has been fully paid bringing the total number of letters of credit expiring in 2006 to 137 (see table 5). As shown in table 6, the letters of credit expiring in 2007 remain unchanged.

Additional related issues

7. It should be recalled that in paragraph 10 of the annex to my letter of 17 October 2005 the relevant authorities of the Government of Iraq had also asked for reinstatements of 40 letters of credit. Those now number 37 with a total value of $63.2 million (see table 7). The United Nations has received and processed five amendments to the letters of credit and three letters of credit have been fully paid.

8. It should also be recalled that I had recommended in paragraph 11 of the annex to my letter of 17 October 2005 certain changes to three specific letters of credit (namely communication Nos. 930181, 902035 and 702374) (see table 8). All of the changes were received and have been processed by the United Nations and the Bank.

Companies for which there is claim of delivery

9. It should be recalled that I had indicated in paragraph 2 of my letter of 17 October 2005 that the rate of processing of the authentication documents for the arrival of goods in Iraq had not improved significantly, as a result of which the Bank holding the funds for the United Nations Iraq Account had not been able to make payments promptly to suppliers as per the terms and conditions of the letters of credit. I had also indicated in paragraph 13 of the annex to my letter of 17 October 2005 that there were some outstanding issues that fall under the competence of the Government of Iraq. Those issues have not yet been resolved by the concerned authorities of the Government of Iraq. Although the Controller of the United Nations wrote a letter dated 21 November 2005 to the responsible authorities of the Government of Iraq, I would also like the Council to urge those authorities to process the authentication documents promptly so that payments can be made to the suppliers of the goods.

10. Please recall that the deadline for the receipt of authentication documents for letters of credit that expired in 2004 and for additional requests for amendments is 31 December 2005.

Table 2
Letters of credit that had expired by 31 December 2004

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
631111	Z737428	25/10/2002	17/08/2004	EUR	12 077.10	14 208.35	Oil spares
702011	U726848	23/04/2001	05/08/2004	USD	1 957.50	1 957.50	Agriculture
830227	M727960	12/06/2001	25/11/2004	EUR	45 075.64	53 030.16	Oil spares
830275	C731366	04/12/2001	31/12/2004	GBP	13 229.91	22 770.93	Oil spares
830824	C733484	01/03/2002	31/12/2004	EUR	40 527.32	47 679.20	Oil spares
930591	L732612	19/12/2001	31/07/2004	EUR	9 544.43	11 228.74	Oil spares
1100583	V735742	26/06/2002	23/05/2004	EUR	5 372.74	6 320.87	Food handling
1230097	P751167	22/10/2003	18/10/2004	EUR	25 317.00	29 784.71	Oil spares
1300581	B751550	01/12/2003	31/08/2004	EUR	3 166.75	3 725.59	Food
4417	K712232	07/12/1998	30/12/2002	USD	97 000.00	97 000.00	Electricity
50457	Y751787	15/01/2004	16/11/2004	USD	19 823.00	19 823.00	Food
53499	Y720232	29/06/2000	22/09/2004	GBP	154 069.76	265 180.31	Oil spares
600655	Z728081	02/08/2001	30/12/2004	USD	489 049.11	489 049.11	Agriculture
600882	Z718687	04/04/2000	30/06/2004	USD	1 444 181.82	1 444 181.82	Education
601441	Z719977	07/06/2000	30/06/2004	USD	1 411 090.91	1 411 090.91	Education
601599	Z751750	06/01/2004	23/05/2004	USD	21 106.20	21 106.20	Agriculture
601909	Z727261	07/05/2001	31/12/2004	USD	796 254.00	796 254.00	Agriculture
630860	Z731736	04/12/2001	21/06/2004	USD	30 336.02	30 336.02	Oil spares
631023	Z751764	08/01/2004	26/10/2004	USD	140 909.00	140 909.00	Oil spares
631025	Z734374	11/04/2002	05/07/2004	USD	57 166.36	57 166.36	Oil spares
631028	Z751761	15/01/2004	26/11/2004	USD	672 727.00	672 727.00	Oil spares
631105	Z737307	04/03/2003	28/08/2004	EUR	100 318.73	118 022.04	Oil spares
631129	Z737913	19/11/2002	06/04/2004	EUR	103 931.09	122 271.87	Oil spares
700699	U720319	14/07/2000	30/11/2004	USD	1 489 597.09	1 489 597.09	Education
700824	U724641	07/12/2000	30/06/2004	USD	339 592.71	339 592.71	Electricity
702218	U726493	02/04/2001	06/08/2004	USD	246 434.35	246 434.35	Agriculture
702423	U726920	11/05/2001	26/11/2004	EUR	10 125 697.19	11 912 584.93	Agriculture
702556	U726050	23/02/2001	01/02/2004	EUR	1 060 085.00	1 247 158.82	Water and sanitation
702790	U739678	06/03/2003	31/08/2004	EUR	101 174.22	119 028.49	Health
730076	U722160	22/08/2000	30/10/2004	USD	4 909.28	4 909.28	Oil spares
730556	U724043	20/12/2000	31/07/2004	USD	20 150.00	20 150.00	Oil spares
730644	U732632	27/12/2001	20/08/2004	USD	385 000.00	385 000.00	Oil spares
730834	U728358	28/06/2001	30/06/2004	USD	30 050.44	30 050.44	Oil spares
730903	U733941	19/03/2002	20/08/2004	EUR	8 529.80	10 035.06	Oil spares
730971	U737440	03/10/2002	27/10/2004	EUR	486 785.80	572 689.18	Oil spares
731018	U737630	11/10/2002	09/02/2004	EUR	208 840.91	245 695.19	Oil spares
731024	U737646	16/10/2002	03/08/2004	EUR	1 743 368.80	2 051 022.12	Oil spares

Communication No.	Letter of credit No.	Issue date	Expiry date	Currency	Amount	Equivalent US$	Sector
731060	U750873	04/04/2003	05/07/2004	EUR	9 900.00	11 647.06	Oil spares
731066	U751624	11/12/2003	16/04/2004	EUR	521 445.45	613 465.24	Oil spares
800563	C734229	05/04/2002	30/06/2004	USD	103 414.30	103 414.30	Electricity
800783	C727202	14/05/2001	17/09/2004	EUR	2 110 290.91	2 482 695.19	Agriculture
800784	C727209	17/05/2001	23/06/2004	EUR	466 665.58	549 018.33	Agriculture
801214	C725898	21/02/2001	29/12/2004	EUR	142 149.41	167 234.60	Water and sanitation
801381	M728717	10/07/2001	29/04/2004	EUR	8 799.56	10 352.42	Health
801900	C736700	22/08/2002	31/07/2004	GBP	396 690.94	682 772.70	Health
802679	C731210	18/04/2002	20/10/2004	EUR	677 862.59	797 485.40	Agriculture
802945	C736601	11/09/2002	14/06/2004	EUR	351 255.73	413 242.04	Housing
802969	M737883	05/11/2002	20/09/2004	EUR	16 211.59	19 072.46	Housing
803076	M751050	10/09/2003	20/01/2004	EUR	239 546.58	281 819.51	Food
830077	C730889	05/10/2001	31/10/2004	EUR	110 703.97	130 239.96	Oil spares
830132	C731956	11/12/2001	17/09/2004	EUR	5 002.42	5 885.20	Oil spares
830330	C729335	30/07/2001	30/11/2004	EUR	264 431.33	311 095.68	Oil spares
830491	C730665	26/09/2001	09/08/2004	EUR	29 649.41	34 881.66	Oil spares
830492	C730663	26/09/2001	03/07/2004	EUR	67 153.05	79 003.59	Oil spares
830558	M734207	22/05/2002	20/07/2004	GBP	61 471.47	105 802.87	Oil spares
830608	C751475	21/11/2003	20/08/2004	EUR	23 100.00	27 176.47	Oil spares
830628	C731760	06/11/2001	31/12/2004	EUR	3 403.62	4 004.26	Oil spares
830633	C733123	29/01/2002	30/09/2004	EUR	15 365.58	18 077.15	Oil spares
830639	M734860	13/06/2002	30/11/2004	EUR	16 010.00	18 835.29	Oil spares
830896	M751563	01/12/2003	27/04/2004	EUR	10 886.72	12 807.91	Oil spares
900017	L726786	13/06/2001	02/04/2004	EUR	58 786.56	69 160.66	Food
900032	L728872	11/07/2001	13/09/2004	EUR	4 593 980.37	5 404 682.79	Housing
900045	L726681	04/05/2001	18/05/2004	EUR	1 201 635.40	1 413 688.71	Food
900446	L728019	12/06/2001	22/12/2004	EUR	3 962 847.08	4 662 173.04	Food handling
900461	L727919	08/06/2001	30/09/2003	EUR	659 097.36	775 408.66	Food
900611	L736725	23/08/2002	24/12/2004	EUR	825 890.88	971 636.33	Housing
900777	L730863	25/03/2002	17/03/2004	EUR	13 732.62	16 156.02	Communication/ transportation
901078	L751567	11/12/2003	23/09/2004	EUR	2 028.67	2 386.67	Food handling
901150	L732064	28/11/2001	29/08/2004	EUR	95 892.89	112 815.16	Water and sanitation
901306	L731155	19/11/2001	24/08/2004	EUR	991 373.45	1 166 321.71	Agriculture
901341	L737106	29/01/2004	27/04/2004	EUR	180 128.00	211 915.29	Food handling
901472	L751746	06/01/2004	24/10/2004	EUR	1 430.00	1 682.35	Agriculture
902086	L751589	11/12/2003	03/10/2004	EUR	320 600.00	377 176.47	Agriculture
902094	L738940	10/01/2003	05/01/2004	EUR	24 000.00	28 235.29	Communication/ transportation
930086	L751248	03/11/2003	30/11/2004	EUR	42 504.00	50 004.71	Oil spares

Communication No.	Letter of credit No.	Issue date	Expiry date	Currency	Amount	Equivalent US$	Sector
930144	L732417	07/12/2001	29/11/2004	EUR	147 262.57	173 250.08	Oil spares
930512	L751412	11/12/2003	19/06/2004	EUR	29 043.88	34 169.27	Oil spares
930584	L737103	28/10/2002	01/12/2004	EUR	75 288.15	88 574.29	Oil spares
930654	L739458	21/02/2003	28/12/2004	EUR	618 211.80	727 308.00	Oil spares
1000226	T731031	11/10/2001	30/10/2004	JPY	193 423 750.00	1 625 409.66	Food handling
1000238	T731919	30/11/2001	10/12/2004	EUR	752 210.16	884 953.13	Food handling
1000288	T731067	23/10/2001	10/10/2004	EUR	100 000.00	117 647.06	Food handling
1000467	T735279	11/09/2002	19/09/2004	EUR	25 401.34	29 883.93	Special allocation
1000584	T731846	14/02/2002	30/09/2003	EUR	969 000.00	1 140 000.00	Food
1000620	T733612	22/02/2002	29/04/2004	EUR	96 879.72	113 976.14	Health
1000623	T732881	15/02/2002	23/02/2004	EUR	533 590.91	627 754.01	Food handling
1000840	T734819	06/06/2002	30/04/2004	EUR	72 201.82	84 943.32	Water and sanitation
1000904	T736213	22/07/2002	30/10/2004	EUR	914 136.60	1 075 454.82	Health
1000942	T732391	18/12/2001	02/01/2004	EUR	6 145 445.90	7 229 936.35	Water and sanitation
1000944	T732490	10/12/2001	30/10/2004	EUR	55 650.93	65 471.68	Water and sanitation
1001074	T736512	13/08/2002	15/06/2004	EUR	591 298.72	695 645.55	Special allocation
1001099	T736818	05/09/2002	30/08/2004	EUR	566 910.36	666 953.36	Agriculture
1001126	T739328	31/01/2003	16/08/2004	EUR	40 869.69	48 081.99	Education
1001221	T736501	16/08/2002	15/06/2004	EUR	127 555.80	150 065.65	Special allocation
1001242	T733785	13/05/2002	15/12/2003	EUR	22.84	26.87	Electricity
1001275	T739181	31/01/2003	30/09/2004	EUR	83 661.67	98 425.49	Food handling
1001434	T733677	20/06/2002	30/10/2004	EUR	17 971.16	21 142.54	Food handling
1001636	T736742	28/11/2003	02/08/2004	EUR	174 181.85	204 919.82	Food handling
1001817	T738729	30/12/2002	20/06/2004	EUR	166 636.36	196 042.78	Education
1001915	T734618	12/02/2003	08/11/2004	EUR	128 302.72	150 944.38	Special allocation
1030021	T733888	18/03/2002	27/09/2004	EUR	17 270.22	20 317.91	Oil spares
1030035	T734737	13/06/2002	07/09/2004	EUR	35 731.49	42 037.05	Oil spares
1030158	T751513	24/11/2003	24/06/2004	EUR	129 939.84	152 870.40	Oil spares
1030194	T733963	25/03/2002	30/11/2004	GBP	146 559.00	252 253.01	Oil spares
1030389	T735614	01/07/2002	12/07/2004	EUR	93 799.99	110 352.93	Oil spares
1030451	T735631	25/06/2002	31/10/2004	EUR	42 093.67	49 521.96	Oil spares
1030463	T734293	10/04/2002	31/12/2004	EUR	1 944 760.00	2 287 952.94	Oil spares
1030464	T751365	17/11/2003	20/10/2004	EUR	769 086.90	904 808.12	Oil spares
1030485	T735010	21/05/2002	03/09/2004	EUR	37 597.00	44 231.76	Oil spares
1030568	T735765	27/06/2002	31/08/2004	EUR	12 086.35	14 219.24	Oil spares
1030614	T736022	15/07/2002	31/12/2004	EUR	323 043.39	380 051.05	Oil spares
1030622	T751572	03/12/2003	31/07/2004	EUR	70 914.92	83 429.32	Oil spares
1030705	T736373	02/08/2002	24/09/2004	EUR	106 220.91	124 965.78	Oil spares
1030728	T735299	14/06/2002	23/09/2004	EUR	19 895 105.31	23 406 006.25	Oil spares
1030740	T736084	17/07/2002	31/12/2004	EUR	4 827.00	5 678.82	Oil spares

Communication No	*Letter of credit No*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
1030768	T736348	02/08/2002	30/11/2004	EUR	11 605.01	13 652.95	Oil spares
1100016	V733855	30/04/2002	31/12/2004	EUR	117 610.53	138 365.33	Housing
1100020	V735808	05/07/2002	26/10/2004	EUR	3 108 156.16	3 656 654.31	Housing
1100025	V751128	08/10/2003	05/08/2004	EUR	72 670.00	85 494.12	Food
1100026	V733618	07/03/2002	31/05/2004	EUR	78 962.65	92 897.24	Food
1100032	V733879	25/03/20[illegible]	03/07/2004	EUR	6 059.20	7 128.47	Housing
1100075	V734155	03/04/2002	02/06/2004	EUR	28 972.90	34 085.76	Communication/ transportation
1100089	V736731	09/09/2002	26/07/2004	EUR	1 808 244.74	2 127 346.75	Housing
1100100	V734670	30/04/2002	30/03/2004	EUR	7 603 135.65	8 944 865.47	Food
1100127	V734288	08/05/2002	30/08/2004	EUR	70 791.60	83 284.24	Food
1100149	V734536	13/05/2002	26/07/2004	EUR	41 188.90	48 457.53	Housing
1100265	V734557	22/04/2002	31/12/2004	EUR	6 527.93	7 679.92	Education
1100304	V736362	02/08/2002	04/10/2004	EUR	889 380.80	1 046 330.35	Agriculture
1100376	V735152	16/07/2002	15/01/2004	EUR	16 001.08	18 824.80	Food
1100408	V736165	19/07/2002	26/09/2004	EUR	190 227.36	223 796.89	Housing
1100448	V735829	12/07/2002	06/08/2004	EUR	196 168.24	230 786.16	Housing
1100468	V736027	02/08/2002	30/12/2004	EUR	24 109.21	28 363.78	Electricity
1100617	V736411	13/08/2002	16/10/2004	EUR	31 467.31	37 020.36	Housing
1100626	V735321	19/06/2002	30/09/2004	EUR	7 504.45	8 828.76	Food
1100938	V735813	22/08/2002	30/09/2004	EUR	512 092.53	602 461.80	Food
1101025	V737519	11/10/2002	01/11/2004	EUR	31 892.73	37 520.86	Education
1101104	V735684	27/06/2002	02/07/2004	EUR	622 196.36	731 995.72	Food handling
1101106	V751800	03/03/2004	30/09/2004	EUR	1 567 388.24	1 843 986.17	Agriculture
1101334	V736589	04/02/2004	30/12/2004	EUR	10 048.34	11 821.58	Food handling
1101995	V738920	10/01/2003	30/06/2004	EUR	1 493 905.86	1 757 536.31	Electricity
1130059	V737241	26/09/2002	03/11/2004	EUR	44 196.02	51 995.32	Oil spares
1200030	P736398	07/08/2002	09/02/2004	EUR	8 008.34	9 421.58	Communication/ transportation
1200084	P750880	28/04/2003	28/07/2004	EUR	74 492.00	87 637.65	Food handling
1200115	P738581	17/12/2002	03/07/2004	EUR	4 110.00	4 835.29	Communication/ transportation
1200140	P736919	18/11/2002	31/01/2004	EUR	111 568.24	131 256.75	Food
1200187	P737968	05/11/2002	16/04/2004	EUR	790 948.64	930 527.81	Food
1200209	P736908	10/09/2002	30/01/2004	EUR	1 704 297.40	2 005 055.77	Food
1200231	P737265	18/11/2002	11/04/2004	EUR	403 980.38	475 271.04	Food
1200278	P738491	18/12/2002	31/12/2004	EUR	255 095.74	300 112.64	Food
1200288	P750602	20/03/2003	30/04/2004	EUR	12 521.25	14 730.88	Health
1200354	P737229	03/10/2002	28/04/2004	EUR	3 229.66	3 799.60	Food
1200370	P738022	22/11/2002	30/09/2004	EUR	1 182 728.00	1 391 444.71	Water and sanitation
1200427	P737328	19/11/2002	19/12/2003	EUR	294 402.40	346 355.76	Water and sanitation

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
1200522	P750777	24/03/2003	31/07/2004	EUR	1 486 340.03	1 748 635.33	Food
1200538	P751207	17/10/2003	22/08/2004	JPY	5 362 477.00	45 062.83	Agriculture
1200561	P750624	10/04/2003	14/06/2004	EUR	281 086.58	330 690.09	Health
1200581	P739065	23/01/2003	26/07/2004	EUR	3 833 318.00	4 509 785.88	Food
1200675	P751080	17/09/2003	30/05/2004	EUR	958 734.66	1 127 923.13	Food
1200702	P737959	12/11/2002	07/04/2004	EUR	87 294.44	102 699.34	Food handling
1200756	P738539	10/10/2003	15/09/2004	EUR	6 064 397.78	7 134 585.62	Food
1200837	P738609	20/12/2002	30/06/2004	EUR	75 273.75	88 557.35	Electricity
1200840	P738507	17/12/2002	21/07/2004	USD	1 107 792.00	1 107 792.00	Electricity
1200849	P738528	16/12/2002	31/07/2004	EUR	108 472.82	127 615.08	Electricity
1200994	P751686	24/12/2003	30/11/2004	EUR	1 237 893.02	1 456 344.73	Food handling
1201335	P750290	04/03/2003	31/07/2004	EUR	11 403.82	13 416.26	Health
1201345	P750187	01/10/2003	30/06/2004	EUR	480 438.28	565 221.51	Food
1201376	P750630	06/10/2003	20/07/2004	EUR	8 848 539.20	10 410 046.12	Food
1201433	P751682	23/12/2003	19/08/2004	EUR	11 635.25	13 688.53	Agriculture
1201536	P750223	03/03/2003	20/08/2004	EUR	26 700.57	31 412.44	Education
1201537	P750642	10/03/2003	20/08/2004	EUR	44 852.23	52 767.33	Education
1201541	P750537	06/03/2003	05/03/2004	EUR	32 572.83	38 320.98	Education
1230032	P738455	12/12/2002	12/10/2004	USD	239 145.39	239 145.39	Oil spares
1230056	P738838	31/12/2002	04/08/2004	EUR	25 167.00	29 608.24	Oil spares
1230064	P750527	06/03/2003	31/07/2004	EUR	9 017.00	10 608.24	Oil spares
1230072	P738542	16/12/2002	31/12/2004	EUR	7 311.00	8 601.18	Oil spares
1230078	P738591	18/12/2002	21/08/2004	EUR	186 694.56	219 640.66	Oil spares
1230106	P738747	14/03/2003	31/12/2004	EUR	26 821.92	31 555.20	Oil spares
1230134	P738454	09/12/2002	17/09/2004	EUR	97 354.29	114 534.46	Oil spares
1230159	P738616	23/12/2002	17/11/2004	EUR	197 999.72	232 940.85	Oil spares
1230165	P750440	04/03/2003	31/07/2004	EUR	72 973.00	85 850.59	Oil spares
1230235	P738448	13/12/2002	27/07/2004	EUR	252 030.19	296 506.11	Oil spares
1230246	P738714	26/03/2003	11/10/2004	EUR	4 545.00	5 347.06	Oil spares
1230254	P738674	24/12/2002	27/09/2004	EUR	17 500.09	20 588.34	Oil spares
1230259	P738750	27/12/2002	16/08/2004	EUR	67 599.81	79 529.19	Oil spares
1230276	P751455	17/11/2003	10/04/2004	EUR	8 440.14	9 929.58	Oil spares
1230313	P750258	26/02/2003	17/04/2004	EUR	24 903.00	29 297.65	Oil spares
1230410	P739149	29/01/2003	31/07/2004	EUR	7 850.00	9 235.29	Oil spares
1230417	P751267	07/11/2003	20/10/2004	EUR	81 522.36	95 908.66	Oil spares
1230448	P739150	31/01/2003	14/06/2004	EUR	1 379 960.00	1 623 482.35	Oil spares
1230555	P751469	24/11/2003	13/10/2004	EUR	3 633.47	4 274.67	Oil spares
1230556	P751484	24/11/2003	19/07/2004	EUR	3 000.00	3 529.41	Oil spares
1230558	P750349	12/03/2003	10/06/2004	EUR	4 812.10	5 661.29	Oil spares
1230588	P750096	04/03/2003	30/06/2004	EUR	495 000.00	582 352.94	Oil spares

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
1230596	P751490	03/12/2003	27/08/2004	EUR	6 500.50	7 647.65	Oil spares
1230606	P751359	17/11/2003	25/10/2004	EUR	54 598.00	64 232.94	Oil spares
1230615	P750175	03/03/2003	03/07/2004	EUR	494 765.66	582 077.25	Oil spares
1300015	B739399	07/02/2003	30/11/2004	EUR	3 130 157.02	3 682 537.67	Food
1300016	B739356	06/03/2003	16/04/2004	EUR	3 312 083.38	3 896 568.68	Food
1300021	B739304	03/02/2003	27/12/2004	EUR	6 588 958.85	7 751 716.29	Education
1300068	B750137	06/03/2003	01/05/2004	EUR	40 748.50	47 939.41	Food
1300130	B750294	10/03/2003	30/09/2004	EUR	101 868.00	119 844.71	Water and sanitation
1300132	B751092	17/09/2003	17/07/2004	EUR	20 317.72	23 903.20	Education
1300133	B751091	17/09/2003	17/07/2004	EUR	213 888.60	251 633.65	Education
1300134	B751090	17/09/2003	17/07/2004	EUR	283 112.54	333 073.58	Education
1300144	B750166	14/03/2003	22/12/2004	EUR	29 641.34	34 872.16	Housing
1300205	B751129	29/09/2003	30/09/2004	EUR	197 750.00	232 647.06	Food
1300211	B751748	05/01/2004	24/08/2004	EUR	342 717.59	403 197.16	Agriculture
1300213	B750302	10/03/2003	13/12/2004	EUR	726 930.60	855 212.47	Food handling
1300215	B750425	06/03/2003	27/09/2004	EUR	356 142.28	418 990.92	Housing
1300218	B750711	14/03/2003	22/12/2004	EUR	125 802.55	148 003.00	Food handling
1300230	B750375	06/03/2003	28/05/2004	EUR	8 100.00	9 529.41	Food handling
1300236	B751689	05/01/2004	11/05/2004	EUR	81 000.00	95 294.12	Food handling
1300242	B751298	07/11/2003	30/10/2004	EUR	13 750.00	16 176.47	Food
1300338	B751676	24/12/2003	12/04/2004	EUR	110 054.53	129 475.92	Food handling
1300342	B750908	07/04/2003	07/11/2004	EUR	168 646.89	198 408.11	Electricity
1300345	B751725	05/01/2004	10/08/2004	EUR	706 270.14	830 906.05	Food
1300374	B751429	03/12/2003	05/04/2004	EUR	50 029.74	58 858.52	Food handling
1300396	B751597	15/12/2003	20/09/2004	EUR	86 751.00	102 060.00	Agriculture
1300410	B751516	03/12/2003	30/09/2004	EUR	176 954.07	208 181.26	Food
1300441	B751584	05/12/2003	15/08/2004	EUR	6 114.20	7 193.18	Food
1300592	B751517	24/11/2003	30/10/2004	EUR	57 672.50	67 850.00	Food
1300594	B751625	11/12/2003	31/10/2004	EUR	2 583 244.88	3 039 111.62	Food
1300728	B751622	11/12/2003	30/10/2004	EUR	11 980.98	14 095.27	Food
Total					**223 letters of credit**	**174 481 500.77**	

Table 3
Request for further shipment on letters of credit that expired in 2004

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Value*	*Rate*	*Equivalent US$*
830558	M734207	22/05/2002	20/07/2004	GBP	61 471.47	0.581	105 802.87
1000840	T734819	06/06/2002	30/04/2004	EUR	72 201.82	0.85	84 943.32
1000942	T732391	18/12/2001	02/01/2004	EUR	6 145 445.90	0.85	7 229 936.35
1001242	T733785	13/05/2002	15/12/2003	EUR	22.84	0.85	26.87
1030021	T733888	18/03/2002	27/09/2004	EUR	17 270.22	0.85	20 317.91
1030158	T751513	24/11/2003	24/06/2004	EUR	129 939.84	0.85	152 870.40
1030389	T735614	01/07/2002	12/07/2004	EUR	93 799.99	0.85	110 352.93
1030451	T735631	25/06/2002	31/10/2004	EUR	42 093.67	0.85	49 521.96
1030463	T734293	10/04/2002	31/12/2004	EUR	1 944 760.00	0.85	2 287 952.94
1030464	T751365	17/11/2003	20/10/2004	EUR	769 086.90	0.85	904 808.12
1030568	T735765	27/06/2002	31/08/2004	EUR	12 086.35	0.85	14 219.24
1030728	T735299	14/06/2002	23/09/2004	EUR	19 895 105.31	0.85	23 406 006.25
1230056	P738838	31/12/2002	04/08/2004	EUR	25 167.00	0.85	29 608.24
1230134	P738454	09/12/2002	17/09/2004	EUR	97 354.29	0.85	114 534.46
1230159	P738616	23/12/2002	17/11/2004	EUR	197 999.72	0.85	232 940.85
1230556	P751484	24/11/2003	19/07/2004	EUR	3 000.00	0.85	3 529.41
1230558	P750349	12/03/2003	10/06/2004	EUR	4 812.10	0.85	5 661.29
1230596	P751490	03/12/2003	27/08/2004	EUR	6 500.50	0.85	7 647.65
1300342	B750908	07/04/2003	07/11/2004	EUR	168 646.80	0.85	198 408.11
702556	U726050	23/02/2001	01/02/2004	EUR	1 060 085.00	0.85	1 247 158.82
731024	U737646	16/10/2002	03/08/2004	EUR	1 743 368.80	0.85	2 051 022.12
731060	U750873	04/04/2003	05/07/2004	EUR	9 900.00	0.85	11 647.06
800783	C727202	14/05/2001	17/09/2004	EUR	2 110 290.91	0.85	2 482 695.19
830077	C730889	05/10/2001	31/10/2004	EUR	110 703.97	0.85	130 239.96
830227	M727960	12/06/2001	25/11/2004	EUR	45 075.64	0.85	53 030.16
830330	C729335	30/07/2001	30/11/2004	EUR	264 431.33	0.85	311 095.68
830492	C730663	26/09/2001	03/07/2004	EUR	67 153.05	0.85	79 003.59
830639	M734860	13/06/2002	30/11/2004	EUR	16 010.00	0.85	18 835.29
830896	M751563	01/12/2003	27/04/2004	EUR	10 886.72	0.85	12 807.91
930512	L751412	11/12/2003	19/06/2004	EUR	29 043.88	0.85	34 169.27
930584	L737103	28/10/2002	01/12/2004	EUR	75 288.15	0.85	88 574.29
1200840	P738507	17/12/2002	21/07/2004	USD	1 107 792.00	1	1 107 792.00
1230032	P738455	12/12/2002	12/10/2004	USD	239 145.39	1	239 145.39
601909	Z727261	07/05/2001	31/12/2004	USD	796 254.00	1	796 254.00
631023	Z751764	08/01/2004	26/10/2004	USD	140 909.00	1	140 909.00
631025	Z734374	11/04/2002	05/07/2004	USD	57 166.36	1	57 166.36
631028	Z751761	15/01/2004	26/11/2004	USD	672 727.00	1	672 727.00
Total					**37 letters of credit**		**44 493 362.26**

Table 4
Letters of credit that are due to expire in 2005

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
630881	Z731451	30/10/2001	01/03/2005	USD	9 694.20	9 694.20	Oil spares
731061	U750856	26/03/2003	31/01/2005	EUR	4 543.67	5 345.49	Oil spares
802930	C738981	08/01/2003	30/03/2005	EUR	34 589.69	40 693.75	Communication/ transportation
930217	L730502	18/09/2001	28/02/2005	EUR	6 980.05	8 211.82	Oil spares
1030460	T734525	22/04/2002	31/01/2005	EUR	2 300.00	2 705.88	Oil spares
1030563	T735378	11/06/2002	28/02/2005	EUR	56 700.00	66 705.88	Oil spares
1100727	V738036	14/07/2003	28/02/2005	EUR	10 924.08	12 851.86	Agriculture
1100795	V736160	23/08/2002	31/01/2005	EUR	8 681.94	10 214.05	Food handling
1101742	V751430	17/11/2003	28/02/2005	EUR	4 956.85	5 831.59	Food handling
1130099	V739291	31/01/2003	30/06/2005	EUR	22 290.13	26 223.68	Oil spares
1200859	P738573	23/12/2002	30/01/2005	EUR	7 350.00	8 647.06	Electricity
1201521	P750003	21/02/2003	19/01/2005	EUR	14 754.07	17 357.73	Communication/ transportation
1230124	P738562	03/05/2005	03/05/2005	EUR	19 329.00	22 740.00	Oil spares
1230206	P738533	06/05/2005	06/05/2005	EUR	97 411.45	114 601.71	Oil spares
1230244	P751527	11/12/2003	28/02/2005	EUR	9 212.44	10 838.16	Oil spares
1230316	P751454	12/04/2005	12/04/2005	EUR	4 245.10	4 994.24	Oil spares
1230322	P751742	02/01/2004	03/03/2005	EUR	18 861.50	22 190.00	Oil spares
1230581	P750936	08/04/2003	10/01/2005	USD	16 654.40	16 654.40	Oil spares
1230607	P750180	03/03/2003	31/03/2005	EUR	15 114.00	17 781.18	Oil spares
1230611	P751360	17/11/2003	14/02/2005	EUR	9 488.70	11 163.18	Oil spares
1230617	P751743	02/01/2004	30/01/2005	EUR	27 306.55	32 125.35	Oil spares
00278	K712779	02/02/1999	28/02/2005	USD	511 809.06	511 809.06	Oil spares
53314	Y726000	16/04/2001	17/05/2005	USD	209 600.00	209 600.00	Oil spares
600682	Z721575	21/09/2000	28/02/2005	USD	1 439 228.07	1 439 228.07	Health
600833	Z729302	05/03/2002	11/03/2005	USD	110 069.00	110 069.00	Communication/ transportation
601308	Z729547	20/03/2002	23/02/2005	USD	403 885.12	403 885.12	Communication/ transportation
601309	Z730434	20/09/2001	23/02/2005	USD	427 428.62	427 428.62	Communication/ transportation
601372	Z725512	26/04/2001	30/06/2005	USD	264 072.73	264 072.73	Electricity
601407	Z751626	11/12/2003	10/04/2005	USD	1 260 000.00	1 260 000.00	Education
630594	Z718946	18/04/2000	15/02/2005	USD	583 958.00	583 958.00	Oil spares
630753	Z721342	07/08/2000	04/07/2005	USD	2 369.58	2 369.58	Oil spares
631048	Z728693	20/07/2001	31/01/2005	USD	420 000.00	420 000.00	Oil spares
631094	Z733663	26/02/2002	29/01/2005	USD	74 426.00	74 426.00	Oil spares

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
631096	Z733661	26/02/2002	29/01/2005	USD	102 422.00	102 422.00	Oil spares
631121	Z751442	03/12/2003	10/07/2005	EUR	3 533 300.00	4 156 823.53	Oil spares
700232	U751804	27/04/2004	29/05/2005	EUR	2 223.04	2 615.34	Food handling
700663	U724186	25/01/2001	28/02/2005	USD	3 255 906.60	3 255 906.60	Electricity
700964	U720699	05/07/2000	30/01/2005	USD	1 380 887.02	1 380 887.02	Agriculture
701642	U722581	14/09/2000	28/02/2005	EUR	35 308.00	41 538.82	Electricity
702153	U735282	11/06/2002	15/02/2005	USD	9 045 000.00	9 045 000.00	Education
702695	U751695	05/01/2004	30/04/2005	USD	206 800.00	206 800.00	Water and sanitation
730756	U724988	20/12/2000	29/03/2005	USD	1 071 880.00	1 071 880.00	Oil spares
730877	U728285	20/06/2001	31/01/2005	EUR	99 965.65	117 606.65	Oil spares
730992	U751163	10/10/2003	21/02/2005	JPY	86 124 727.00	723 737.20	Oil spares
731059	U751385	14/11/2003	14/05/2005	EUR	35 089.21	41 281.42	Oil spares
800746	C725177	28/12/2000	31/01/2005	USD	396 051.00	396 051.00	Housing
801195	M728155	28/06/2001	20/05/2005	USD	1 149 910.00	1 149 910.00	Electricity
801210	C736999	09/12/2002	16/05/2005	EUR	292 622.47	344 261.73	Agriculture
801293	C725990	22/02/2001	14/05/2005	EUR	1 224.10	1 440.12	Water and sanitation
801416	C730777	09/10/2001	24/05/2005	EUR	811 539.37	954 752.20	Communication/ transportation
802175	C729588	08/08/2001	28/02/2005	EUR	411 845.00	484 523.53	Agriculture
802192	M728937	10/07/2001	17/03/2005	EUR	6 664 738.19	7 840 868.46	Communication/ transportation
802448	M738122	03/12/2002	31/03/2005	EUR	827 667.00	973 725.88	Education
830307	M728505	10/07/2001	04/03/2005	EUR	631 126.48	742 501.74	Oil spares
830694	M737946	18/11/2002	12/04/2005	JPY	159 664 718.00	1 341 720.32	Oil spares
830799	C732826	07/02/2002	22/04/2005	EUR	443 758.23	522 068.51	Oil spares
900052	L728766	03/07/2001	28/02/2005	EUR	46 828.52	55 092.38	Housing
900074	L728767	05/07/2001	31/03/2005	CHF	31 153.81	23 781.53	Housing
900525	L728655	27/06/2001	30/06/2005	EUR	336 478.18	395 856.68	Communication/ transportation
901312	L730858	18/12/2001	30/04/2005	EUR	137 103.93	161 298.74	Food handling
901392	L751798	09/02/2004	11/04/2005	EUR	11 537.70	13 573.76	Water and sanitation
901396	L751692	23/12/2003	12/02/2005	EUR	216 039.83	254 164.51	Water and sanitation
901554	L751594	11/12/2003	05/02/2005	EUR	13 179.00	15 504.71	Housing
901671	L733257	22/03/2002	31/07/2005	EUR	131 500.00	154 705.88	Water and sanitation
901987	L734729	31/05/2002	30/01/2005	EUR	600 000.00	705 882.35	Water and sanitation
902034	L735561	19/07/2002	18/05/2005	EUR	698 567.65	821 844.29	Food handling
902070	L737457	25/10/2002	11/01/2005	USD	76 069.26	76 069.26	Water and sanitation
902110	L739684	18/02/2003	01/03/2005	USD	629 943.18	629 943.18	Health
930071	L751562	03/12/2003	30/04/2005	EUR	348 889.45	410 458.18	Oil spares
930306	L732206	01/05/2002	31/01/2005	EUR	45 102.35	53 061.59	Oil spares

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
1000600	T732494	13/05/2002	26/03/2005	EUR	21 098 181.82	24 821 390.38	Housing
1000998	T733040	29/03/2002	10/02/2005	EUR	1 265 420.00	1 488 729.41	Food handling
1001802	T734067	05/06/2002	04/01/2005	EUR	3 240 000.00	3 811 764.71	Agriculture
1030086	T733143	28/01/2002	31/05/2005	EUR	30 545 141.00	35 935 460.00	Oil spares
1030206	T733793	13/03/2002	31/03/2005	EUR	566 105.00	666 005.88	Oil spares
1030318	T735346	11/06/2002	16/02/2005	EUR	18 000.00	21 176.47	Oil spares
1030481	T738241	05/12/2002	31/01/2005	EUR	125 044.91	147 111.66	Oil spares
1030562	T751384	05/12/2003	30/06/2005	EUR	2 318 000.00	2 727 058.82	Oil spares
1030605	T737614	10/10/2002	27/04/2005	EUR	1 346 583.40	1 584 215.77	Oil spares
1100102	V734534	30/04/2002	21/04/2005	EUR	500 517.73	588 844.39	Food handling
1100129	V736053	16/07/2002	17/01/2005	EUR	353 233.76	415 569.13	Housing
1100221	V734568	20/05/2002	15/02/2005	EUR	5 197 282.32	6 114 449.79	Agriculture
1100310	V736338	03/05/2005	03/05/2005	EUR	150 001.19	176 471.99	Agriculture
1100342	V738665	14/07/2003	28/02/2005	EUR	80 798.82	95 057.44	Agriculture
1100361	V736418	09/08/2002	30/04/2005	EUR	244 180.61	287 271.31	Housing
1100898	V736039	23/12/2002	13/04/2005	EUR	62 518.50	73 551.18	Electricity
1101137	V735663	01/07/2002	05/02/2005	EUR	1 215 472.96	1 429 968.19	Food handling
1101147	V735680	02/07/2002	02/05/2005	EUR	512 299.96	602 705.84	Food handling
1101148	V735682	02/07/2002	03/03/2005	EUR	776 809.00	913 892.94	Food handling
1101264	V737595	12/12/2002	17/04/2005	EUR	71 250.00	83 823.53	Special allocation
1101473	V736780	27/11/2002	15/02/2005	JPY	64 637 770.00	543 174.54	Agriculture
1102004	V738921	10/01/2003	28/02/2005	EUR	1 234 568.00	1 452 432.94	Electricity
1130047	V736283	26/07/2002	24/06/2005	EUR	3 103.85	3 651.59	Oil spares
1200005	P735970	17/07/2002	31/01/2005	USD	2 000 000.00	2 000 000.00	Communication/ transportation
1200043	P736357	14/08/2002	30/03/2005	EUR	498 340.91	586 283.42	Communication/ transportation
1200057	P736624	22/08/2002	30/01/2005	EUR	2 306 340.91	2 713 342.25	Communication/ transportation
1200291	P737772	18/11/2002	26/03/2005	EUR	2 235 571.27	2 630 083.85	Food handling
1200331	P737299	11/10/2002	31/01/2005	EUR	1 401.66	1 649.01	Water and sanitation
1200623	P751734	07/01/2004	15/03/2005	EUR	4 597 990.91	5 409 401.07	Food
1200653	P751773	15/01/2004	30/06/2005	EUR	1 201 323.60	1 413 321.88	Agriculture
1201397	P751406	17/11/2003	31/07/2005	EUR	15 105 454.30	17 771 122.71	Education
1201398	P750262	05/03/2003	28/02/2005	EUR	53 960.05	63 482.41	Food handling
1201399	P750659	10/03/2003	28/02/2005	EUR	6 044.60	7 111.29	Food handling
1201424	P750468	06/03/2003	10/04/2005	EUR	135 396.08	159 289.51	Communication/ transportation
1201429	P750492	06/03/2003	31/01/2005	EUR	42 637.00	50 161.18	Communication/ transportation
1201434	P750562	07/03/2003	28/02/2005	EUR	7 032 500.00	8 273 529.41	Housing

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
1230009	P751781	13/01/2004	28/02/2005	GBP	1 010 000.00	1 738 382.10	Oil spares
1230061	P738957	22/01/2003	17/04/2005	EUR	10 990.08	12 929.51	Oil spares
1230120	P751279	14/11/2003	15/02/2005	EUR	7 707.27	9 067.38	Oil spares
1230127	P751526	01/12/2003	31/01/2005	EUR	496 556.16	584 183.72	Oil spares
1230144	P738792	17/01/2003	28/03/2005	EUR	277 967.00	327 020.00	Oil spares
1230171	P751493	15/12/2003	20/02/2005	EUR	7 517 892.83	8 844 579.80	Oil spares
1230172	P751655	03/05/2005	03/05/2005	EUR	10 594.90	12 464.59	Oil spares
1230177	P751197	17/10/2003	28/02/2005	EUR	106 665.03	125 488.27	Oil spares
1230255	P738650	23/12/2002	01/04/2005	EUR	333 912.22	392 837.91	Oil spares
1230271	P751411	17/11/2003	31/01/2005	EUR	166 100.00	195 411.76	Oil spares
1230318	P750352	12/03/2003	30/04/2005	EUR	2 278 637.76	2 680 750.31	Oil spares
1230494	P739179	23/01/2003	28/02/2005	EUR	35 791.40	42 107.53	Oil spares
1230582	P751730	02/01/2004	01/04/2005	EUR	1 230 243.00	1 447 344.71	Oil spares
1230635	P751256	03/11/2003	20/06/2005	EUR	1 065 704.00	1 253 769.41	Oil spares
1300017	B751049	10/09/2003	31/01/2005	EUR	369 004.50	434 122.94	Food
1300020	B751749	13/01/2004	03/05/2005	EUR	6 371 619.00	7 496 022.35	Agriculture
1300022	B739303	04/02/2003	31/05/2005	EUR	6 363 622.73	7 486 614.98	Health
1300025	B751657	19/12/2003	01/05/2005	EUR	6 029 937.72	7 094 044.38	Agriculture
1300028	B751214	28/10/2003	03/05/2005	EUR	3 613 773.57	4 251 498.32	Agriculture
1300033	B750473	11/03/2003	31/01/2005	EUR	1 255 000.00	1 476 470.59	Communication/ transportation
1300122	B750248	14/03/2003	15/03/2005	EUR	1 546 660.91	1 819 601.07	Communication/ transportation
1300128	B750304	14/03/2003	30/01/2005	EUR	999 997.38	1 176 467.51	Water and sanitation
1300164	B750291	14/03/2003	21/04/2005	EUR	1 226 000.00	1 442 352.94	Food handling
1300553	B751627	11/12/2003	15/01/2005	EUR	67 489.48	79 399.39	Food
1330002	B751566	01/12/2003	31/03/2005	EUR	177 149.75	208 411.47	Oil spares
631157	Z751164	02/11/2005	02/11/2005	EUR	9 000.00	10 588.24	Oil spares
702457	U751751	29/08/2005	29/08/2005	EUR	29 477.70	34 679.65	Agriculture
702705	U751759	29/08/2005	29/08/2005	EUR	13 675.46	16 088.78	Agriculture
1030554	T751250	29/08/2005	29/08/2005	EUR	26 250.00	30 882.35	Oil spares
1200034	P736341	02/11/2005	02/11/2005	EUR	38 491.67	45 284.32	Communication/ transportation
1230483	P751780	29/08/2005	29/08/2005	USD	18 290.00	18 290.00	Oil spares
1230511	P751410	29/08/2005	29/08/2005	EUR	12 580.85	14 801.00	Oil spares
601333	Z718896	02/08/2000	04/08/2005	USD	6 826 434.71	6 826 434.71	Agriculture
630631	Z737711	29/08/2005	29/08/2005	USD	201 207.00	201 207.00	Oil spares
630960	Z725766	29/08/2005	29/08/2005	USD	172 984.00	172 984.00	Oil spares
700917	U728022	29/08/2005	29/08/2005	USD	4 400.00	4 400.00	Communication/ transportation
702374	U737961	15/11/2002	31/10/2005	USD	82 510 511.00	82 510 511.00	Electricity

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
801130	M728881	06/07/2001	06/08/2005	EUR	666 281.71	783 860.84	Health
801150	M728133	21/06/2001	31/12/2005	USD	12 583.88	12 583.88	Electricity
801598	C726086	04/04/2001	28/08/2005	EUR	4 811 895.25	5 661 053.24	Food handling
802524	C732902	29/08/2005	29/08/2005	EUR	48 524.23	57 087.33	Communication/ transportation
900143	L727322	29/08/2005	29/08/2005	EUR	479 721.75	564 378.53	Food
900151	L730499	18/10/2001	31/12/2005	CHF	2 195 008.82	1 675 579.25	Electricity
901066	L751671	23/12/2003	11/10/2005	EUR	17 150 000.00	20 176 470.59	Special allocation
901714	L735606	11/09/2002	31/08/2005	EUR	1 981 006.72	2 330 596.14	Water and sanitation
930181	L729782	21/08/2001	05/11/2005	EUR	30 483 545.05	35 862 994.18	Oil spares
1001314	T739010	19/03/2003	05/09/2005	EUR	12 798 400.00	15 056 941.18	Special allocation
1001374	T751694	06/01/2004	22/11/2005	EUR	12 312 000.00	14 484 705.88	Special allocation
1001516	T739665	12/01/2004	15/10/2005	EUR	12 426 000.00	14 618 823.53	Special allocation
1001517	T751770	15/01/2004	26/09/2005	EUR	12 236 000.00	14 395 294.12	Special allocation
1001519	T739664	12/01/2004	15/10/2005	EUR	12 426 000.00	14 618 823.53	Special allocation
1001885	T751084	22/09/2003	21/09/2005	EUR	1 213 225.00	1 427 323.53	Special allocation
1030640	T736824	29/08/2005	29/08/2005	EUR	88 278.30	103 856.82	Oil spares
1101710	V737379	02/12/2002	26/08/2005	EUR	30 574 807.38	35 970 361.62	Food handling
1230167	P750836	29/08/2005	29/08/2005	EUR	365 030.43	429 447.56	Oil spares
1300014	B751783	15/01/2004	30/11/2005	EUR	182 950.32	215 235.67	Industry
Total					**162 letters of credit**	**488 869 443.74**	

Table 5
Letters of credit that are due to expire in 2006

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Rate*	*Equivalent US$*	*Sector*
53408	Y751811	28/01/2005	26/06/2006	USD	1 750 000.00	1	1 750 000.00	Oil spares[a]
601654	Z725037	05/01/2001	15/01/2006	USD	29 075 718.14	1	29 075 718.14	Electricity[a]
601799	Z719838	25/05/2000	23/03/2006	USD	14 968 566.24	1	14 968 566.24	Agriculture[a]
801479	C733847	13/03/2002	15/04/2006	CHF	32 343 932.34	1.31	24 690 024.69	Electricity[a]
900991	L751810	18/01/2005	11/01/2006	EUR	2 579 874.42	0.85	3 035 146.38	Housing[a]
901749	L732684	15/05/2002	15/04/2006	CHF	2 840 838.26	1.31	2 168 578.82	Electricity[a]
930480	L731945	28/11/2001	31/01/2006	EUR	5 844 562.73	0.85	6 875 956.15	Oil spares[a]
1200853	P738659	17/12/2002	15/04/2006	CHF	52 016 077.12	1.31	39 706 929.10	Electricity[a]
501020	Y715278	23/09/1999	31/05/2006	USD	703 345.60	1	703 345.60	Electricity
601701	Z722153	05/09/2000	19/06/2006	EUR	403 410.00	0.85	474 600.00	Electricity
601784	Z728055	14/09/2001	18/06/2006	USD	136 816.60	1	136 816.60	Agriculture
601979	Z726060	28/02/2001	19/06/2006	EUR	1 462 472.36	0.85	1 720 555.72	Housing
630537	Z728252	27/06/2001	19/06/2006	GBP	94 325.14	0.581	162 349.64	Oil spares
631031	Z751763	08/01/2004	18/06/2006	USD	2 174 545.00	1	2 174 545.00	Oil spares
631150	Z751174	15/10/2003	18/06/2006	EUR	7 326.00	0.85	8 618.82	Oil spares
631158	Z750350	13/03/2003	18/06/2006	EUR	14 332.00	0.85	16 861.18	Oil spares
631160	Z751564	03/12/2003	19/06/2006	EUR	102 003.00	0.85	120 003.53	Oil spares
700712	U732313	06/12/2001	19/06/2006	USD	275 125.00	1	275 125.00	Water and sanitation
702154	U725738	05/02/2001	19/06/2006	USD	4 239 023.24	1	4 239 023.24	Agriculture
702674	U751752	06/01/2004	19/06/2006	EUR	373 759.53	0.85	439 717.09	Water and sanitation
702787	U732869	09/01/2002	19/06/2006	EUR	1 438 783.16	0.85	1 692 686.07	Housing
730218	U726110	28/02/2001	19/06/2006	USD	424 152.00	1	424 152.00	Oil spares
730770	U731683	05/11/2001	19/06/2006	USD	21 697 591.06	1	21 697 591.06	Oil spares
730868	U728332	27/06/2001	18/06/2006	USD	572 727.00	1	572 727.00	Oil spares
730869	U728207	27/06/2001	18/06/2006	USD	241 400.00	1	241 400.00	Oil spares
730897	U736577	16/10/2002	19/06/2006	EUR	16 805 196.55	0.85	19 770 819.47	Oil spares
731032	U737779	23/12/2002	19/06/2006	EUR	3 098 068.18	0.85	3 644 786.09	Oil spares
800329	C729396	19/09/2001	18/06/2006	USD	6 605 315.78	1	6 605 315.78	Agriculture
800486	C726633	09/04/2001	19/06/2006	USD	616 483.92	1	616 483.92	Housing
800975	C725998	08/03/2001	19/06/2006	EUR	1 173 053.65	0.85	1 380 063.12	Housing
801061	C727374	06/06/2001	19/06/2006	EUR	1 608 112.97	0.85	1 891 897.61	Communication/ transportation
801103	C725591	05/02/2001	18/06/2006	EUR	785 149.35	0.85	923 705.12	Housing
801181	C725779	22/03/2001	30/03/2006	EUR	92 466.15	0.85	108 783.71	Agriculture
801344	C726197	08/03/2001	19/06/2006	EUR	1 649 038.64	0.85	1 940 045.46	Housing
801547	M728726	05/07/2001	19/06/2006	USD	7 737 162.00	1	7 737 162.00	Electricity
801639	M751744	07/01/2004	18/06/2006	EUR	196 000.00	0.85	230 588.24	Agriculture

Communication No	*Letter of credit No*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Rate*	*Equivalent US$*	*Sector*
801773	C729523	07/08/2001	18/06/2006	EUR	12 359 591.00	0.85	14 540 695.29	Communication/ transportation
801777	M728103	21/06/2001	18/06/2006	EUR	3 641 953.86	0.85	4 284 651.60	Agriculture
801967	M739195	29/01/2003	18/06/2006	CHF	14 597 450.10	1.31	11 143 091.68	Agriculture
802571	M750987	02/06/2003	19/06/2006	EUR	2 764 805.00	0.85	3 252 711.77	Water and sanitation
802673	C729573	01/08/2001	18/06/2006	USD	278 998.75	1	278 998.75	Agriculture
802719	C750829	21/05/2003	19/06/2006	EUR	5 290 551.00	0.85	6 224 177.65	Water and sanitation
802954	C738447	03/01/2003	19/06/2006	EUR	1 692 755.00	0.85	1 991 476.47	Housing
802968	C737867	30/10/2002	18/06/2006	EUR	1 720 862.55	0.85	2 024 544.18	Housing
802974	M738082	19/11/2002	18/06/2006	EUR	3 615 504.76	0.85	4 253 535.01	Agriculture
830267	M727734	07/06/2001	18/06/2006	EUR	71 364.80	0.85	83 958.59	Oil spares
830306	M728145	19/07/2001	19/04/2006	EUR	330 000.00	0.85	388 235.29	Oil spares
830726	C731589	29/08/2005	19/06/2006	EUR	726 367.20	0.85	854 549.65	Oil spares
900034	L727655	05/06/2001	19/06/2006	EUR	2 636 854.59	0.85	3 102 181.87	Housing
900209	L729055	19/07/2001	19/06/2006	EUR	11 047 204.55	0.85	12 996 711.24	Housing
900655	L737547	08/10/2002	18/06/2006	EUR	25 973 214.29	0.85	30 556 722.69	Education
900778	L737360	15/11/2002	19/06/2006	EUR	1 753 194.00	0.85	2 062 581.18	Electricity
900778	L737115	13/09/2002	19/06/2006	EUR	952 045.06	0.85	1 120 053.01	Electricity
900977	L730234	07/09/2001	19/06/2006	EUR	995 200.00	0.85	1 170 823.53	Housing
901658	L732558	18/12/2001	19/06/2006	EUR	167 796.18	0.85	197 407.27	Health
901788	L731638	21/05/2002	18/06/2006	EUR	48 763.71	0.85	57 369.07	Housing
902035	L735018	18/03/2005	19/06/2006	EUR	368 823.81	0.85	433 910.36	Communication/ transportation
902053	L736336	29/08/2005	19/06/2006	EUR	8 297 222.68	0.85	9 761 438.45	Water and sanitation
902090	L738698	16/01/2003	19/06/2006	USD	479 200.00	1	479 200.00	Water and sanitation
902105	L739676	18/02/2003	18/06/2006	EUR	638 616.88	0.85	751 313.98	Agriculture
930380	L731797	02/01/2002	19/06/2006	EUR	2 574 457.84	0.85	3 028 773.93	Oil spares
930449	L731831	28/11/2001	19/06/2006	EUR	607 857.60	0.85	715 126.59	Oil spares
930520	L735037	23/07/2002	19/06/2006	EUR	130 000.36	0.85	152 941.60	Oil spares
930599	L733054	29/01/2002	19/06/2006	EUR	845 729.20	0.85	994 975.53	Oil spares
1000299	T732141	05/12/2001	19/06/2006	EUR	47 323.26	0.85	55 674.42	Housing
1000426	T732124	05/12/2001	19/06/2006	EUR	2 094 143.75	0.85	2 463 698.53	Housing
1000445	T733494	13/03/2002	19/06/2006	EUR	4 732 117.60	0.85	5 567 197.18	Housing
1000446	T734532	30/04/2002	19/06/2006	EUR	1 692 755.55	0.85	1 991 477.12	Housing
1000454	T731373	29/10/2001	19/06/2006	EUR	269 342.54	0.85	316 873.58	Housing
1000475	T731802	06/11/2001	18/06/2006	USD	99 697.50	1	99 697.50	Agriculture
1000752	T739588	13/02/2003	19/06/2006	EUR	4 812 662.42	0.85	5 661 955.79	Health
1001204	T751571	05/12/2003	19/05/2006	EUR	10 223 347.00	0.85	12 027 467.06	Water and sanitation
1001243	T733865	13/05/2002	18/06/2006	EUR	6 851 203.49	0.85	8 060 239.40	Electricity
1001466	T736516	13/08/2002	19/06/2006	EUR	999 200.00	0.85	1 175 529.41	Water and sanitation

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Rate*	*Equivalent US$*	*Sector*
1001474	T751716	07/01/2004	30/06/2006	EUR	11 604 355.91	0.85	13 652 183.42	Special allocation
1002009	T738894	07/01/2003	18/06/2006	EUR	3 055.00	0.85	3 594.12	Water and sanitation
1002218	T751378	17/11/2003	16/06/2006	USD	5 106 182.00	1	5 106 182.00	Health
1002233	T751386	05/12/2003	18/06/2006	EUR	5 231 264.78	0.85	6 154 429.15	Agriculture
1002236	T751710	06/01/2004	18/06/2006	EUR	809 788.15	0.85	952 691.94	Agriculture
1030022	T733965	25/03/2002	19/06/2006	EUR	71 831.00	0.85	84 507.06	Oil spares
1030128	T733106	01/02/2002	19/06/2006	EUR	20 092.00	0.85	23 637.65	Oil spares
1030279	T734184	18/04/2002	18/06/2006	EUR	147 609.20	0.85	173 657.88	Oil spares
1030349	T735766	05/12/2002	18/06/2006	EUR	4 103 183.54	0.85	4 827 274.75	Oil spares
1030441	T751294	05/11/2003	18/06/2006	EUR	357 329.45	0.85	420 387.59	Oil spares
1030526	T751291	12/11/2003	18/06/2006	EUR	671 060.00	0.85	789 482.35	Oil spares
1100050	V733684	08/03/2002	18/06/2006	EUR	200 436.76	0.85	235 807.95	Communication/ transportation
1100087	V735834	05/07/2002	19/06/2006	EUR	1 293 661.51	0.85	1 521 954.72	Housing
1100099	V735649	01/07/2002	18/06/2006	EUR	4 256 945.55	0.85	5 008 171.24	Food
1100139	V734535	13/05/2002	19/06/2006	EUR	1 161 636.43	0.85	1 366 631.09	Housing
1100171	V751200	30/10/2003	18/06/2006	EUR	55 651.20	0.85	65 472.00	Agriculture
1100189	V734605	28/05/2002	18/06/2006	EUR	438 205.24	0.85	515 535.58	Housing
1100301	V737613	15/10/2002	19/06/2006	EUR	266 590.82	0.85	313 636.26	Water and sanitation
1100305	V734504	22/04/2002	19/06/2006	JPY	115 763 418.00	119	972 801.83	Communication/ transportation
1100335	V734553	24/04/2002	19/06/2006	EUR	16 753 506.55	0.85	19 710 007.71	Communication/ transportation
1100539	V737691	22/10/2002	19/06/2006	EUR	339 587.20	0.85	399 514.35	Health
1100581	V734761	08/05/2002	18/06/2006	EUR	28 031 480.00	0.85	32 978 211.76	Agriculture
1100926	V736033	03/11/2003	18/06/2006	EUR	3 498 057.34	0.85	4 115 361.58	Agriculture
1101065	V736415	15/10/2002	19/06/2006	EUR	696 134.15	0.85	818 981.35	Special allocation
1101138	V735694	08/07/2002	19/06/2006	EUR	3 172 000.00	0.85	3 731 764.71	Communication/ transportation
1101151	V735707	02/07/2002	19/06/2006	EUR	28 344 545.45	0.85	33 346 524.06	Housing
1101152	V737364	04/10/2002	19/06/2006	EUR	3 611 100.00	0.85	4 248 352.94	Housing
1101214	V735708	02/07/2002	19/06/2006	EUR	1 720 000.00	0.85	2 023 529.41	Communication/ transportation
1101233	V751706	07/01/2004	19/06/2006	EUR	5 175 692.64	0.85	6 089 050.17	Food handling
1101704	V739551	21/03/2003	19/06/2006	EUR	61 050.00	0.85	71 823.53	Health
1101881	V751733	08/01/2004	31/03/2006	EUR	5 549 189.20	0.85	6 528 457.88	Food handling
1200070	P750366	26/03/2003	24/07/2006	EUR	2 341 550.00	0.85	2 754 764.71	Health
1200401	P750513	06/03/2003	19/06/2006	EUR	242 603.02	0.85	285 415.32	Water and sanitation
1200411	P751213	17/10/2003	18/06/2006	EUR	34 907.00	0.85	41 067.06	Agriculture
1200429	P737332	11/10/2002	18/06/2006	GBP	35 925.43	0.581	61 833.79	Agriculture
1200447	P750982	30/05/2003	18/06/2006	EUR	1 470 733.89	0.85	1 730 275.17	Agriculture

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Rate*	*Equivalent US$*	*Sector*
1200555	P751720	31/12/2003	15/06/2006	EUR	919 678.00	0.85	1 081 974.12	Industry
1200564	P750157	13/11/2003	18/06/2006	EUR	6 539 375.78	0.85	7 693 383.27	Agriculture
1200844	P738601	17/12/2002	18/06/2006	CHF	13 766 402.70	1.31	10 508 704.35	Electricity
1200933	P739022	03/11/2003	18/06/2006	EUR	2 621 112.61	0.85	3 083 661.89	Agriculture
1201408	P750404	03/03/2003	18/06/2006	EUR	1 307 079.49	0.85	1 537 740.58	Agriculture
1201412	P751161	02/10/2003	18/06/2006	EUR	2 500 342.17	0.85	2 941 579.02	Agriculture
1201414	P750944	10/04/2003	18/06/2006	EUR	2 614 698.05	0.85	3 076 115.35	Agriculture
1201430	P739433	06/02/2003	19/06/2006	EUR	150 598.19	0.85	177 174.34	Communication/ transportation
1201514	P751389	11/12/2003	18/06/2006	EUR	20 238 687.76	0.85	23 810 220.89	Agriculture
1230025	P751776	09/01/2004	18/06/2006	USD	2 363 636.36	1	2 363 636.36	Oil spares
1230093	P751293	29/10/2003	19/06/2006	EUR	319 500.45	0.85	375 882.88	Oil spares
1230094	P739017	13/01/2003	19/06/2006	GBP	777 326.33	0.581	1 337 911.07	Oil spares
1230176	P751169	14/10/2003	19/06/2006	EUR	1 538 601.00	0.85	1 810 118.82	Oil spares
1230320	P751296	07/11/2003	18/06/2006	EUR	2 690.27	0.85	3 165.02	Oil spares
1230337	P739376	10/02/2003	19/06/2006	EUR	6 850 000.00	0.85	8 058 823.53	Oil spares
1230439	P750049	27/02/2003	19/06/2006	EUR	112 995.45	0.85	132 935.82	Oil spares
1230457	P739174	30/01/2003	18/06/2006	EUR	3 461.08	0.85	4 071.86	Oil spares
1230485	P751218	21/10/2003	19/06/2006	EUR	185 889.35	0.85	218 693.35	Oil spares
1230497	P739154	23/01/2003	18/06/2006	EUR	231 482.61	0.85	272 332.48	Oil spares
1230554	P750081	03/03/2003	19/06/2006	EUR	510 726.06	0.85	600 854.19	Oil spares
1230577	P750851	26/03/2003	18/06/2006	EUR	2 590 246.36	0.85	3 047 348.66	Oil spares
1230584	P751290	21/11/2003	18/06/2006	EUR	42 350.00	0.85	49 823.53	Oil spares
1230630	P751346	10/11/2003	18/06/2006	EUR	437 250.00	0.85	514 411.76	Oil spares
1300010	B751808	01/10/2004	18/06/2006	EUR	2 163 636.36	0.85	2 545 454.54	Food handling
1300126	B750927	09/04/2003	18/06/2006	JPY	20 200 488.00	119	169 752.00	Agriculture
1300129	B750354	11/03/2003	19/06/2006	EUR	4 118 074.77	0.85	4 844 793.85	Water and sanitation
1300131	B750306	14/03/2003	19/06/2006	EUR	10 234 120.00	0.85	12 040 141.18	Water and sanitation
Total					**137 letters of credit**		**579 140 614.44**	

[*] Previously reported in table 2 of the 17 October 2005 note to the Security Council.

Table 6
Liability report as at 30 November 2005
To expire during 2007

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Rate*	*Equivalent US$*	*Sector*
631099	Z737736	30/10/2002	30/09/2007	EUR	11 135 910.01	0.85	13 101 070.60	Oil spares
701121	U723215	13/10/2000	31/12/2007	USD	175 000.00	1	175 000.00	Health
Total					**2 letters of credit**		**13 276 070.60**	

Table 7
Letters of credit not included in the liability report of 31 July 2005

Communication No.	*Letter of credit No.*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
730966	U737510	21/01/2004	EUR	225 341.30	270 842.91	Oil spares
1230623	P751204	01/02/2004	EUR	42 657.00	51 270.43	Oil spares
1030629	T737896	12/02/2004	EUR	6 599 819.00	7 932 474.76	Oil spares
1230495	P750674	23/02/2004	EUR	182 593.00	219 462.74	Oil spares
1230296	P738733	14/03/2004	EUR	115 900.00	139 302.88	Oil spares
1230213	P738715[a]	22/03/2004	EUR	180 823.64	217 336.11	Oil spares
1002154	T736059	03/05/2004	EUR	198 500.00	238 581.73	Electricity
1100645	V735226	03/05/2004	EUR	236 338.13	284 060.25	Food handling
830437	M729219	07/08/2004	EUR	118 016.00	141 846.15	Oil spares
801248	M728191[a]	30/08/2004	USD	147 000.00	147 000.00	Electricity
1230593	P751265	05/09/2004	EUR	231 600.00	278 365.38	Oil spares
1030282	T751636	21/09/2004	EUR	9 058 000.00	10 887 019.23	Oil spares
1230265	P738723	23/09/2004	EUR	3 936 147.72	4 730 946.78	Oil spares
631108	Z737898	25/09/2004	EUR	12 958 882.04	15 575 579.38	Oil spares
630745	Z720101	27/09/2004	USD	171 052.73	171 052.73	Oil spares
901366	L731772[a]	27/09/2004	EUR	1 245 101.64	1 496 516.39	Communication/ transportation
900780	L732591[a]	30/09/2004	EUR	2 214 065.02	2 661 135.84	Health
630961	Z751807	04/10/2004	USD	889 572.00	889 572.00	Oil spares
930603	L733650	31/10/2004	EUR	9 772.73	11 746.07	Oil spares
730993	U737462	17/11/2004	EUR	347 667.68	417 869.81	Oil spares
631157	Z751164[a]	30/11/2004	EUR	3 135 000.00	3 768 028.85	Oil spares
1030405	T737377	30/11/2004	EUR	30 100.00	36 177.88	Oil spares
1230498	P751739	30/11/2004	EUR	88 582.27	106 469.07	Oil spares
1230622	P750222	30/11/2004	EUR	14 182.00	17 045.67	Oil spares
830875	C734978	11/12/2004	EUR	130 107.27	156 378.93	Oil spares
630959	Z751806	13/12/2004	USD	290 000.00	290 000.00	Oil spares
930479	L737706	15/12/2004	EUR	341 472.46	410 423.63	Oil spares
930564	L732564	15/12/2004	EUR	634 197.30	762 256.37	Oil spares

Communication No.	*Letter of credit No.*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
630650	Z724362	31/12/2004	USD	416 907.60	416 907.60	Oil spares
730367	U722343	31/12/2004	USD	886 363.64	886 363.64	Oil spares
830240	C729831	31/12/2004	EUR	416 521.74	500 627.09	Oil spares
1030524	T738836	31/12/2004	EUR	434 424.00	522 144.23	Oil spares
1030707	T735379	31/12/2004	EUR	15 821.27	19 015.95	Oil spares
1230347	P738858	31/12/2004	EUR	60 571.37	72 802.13	Oil spares
1300079	B751068	14/01/2005	EUR	1 917 545.00	2 304 741.59	Food
1201532	P750004	16/01/2005	EUR	5 040 000.00	6 057 692.31	Communication/ transportation
1230114	P751638	02/10/2005	EUR	118 750.00	142 728.37	Oil spares
Total				**37 letters of credit**	**63 231 784.89**	

[a] Amended.

Table 8

Request for amendments to the supplier name and goods

Communication No.	*Letter of credit No.*	*Issue date*	*Expiry date*	*Currency*	*Amount*	*Equivalent US$*	*Sector*
930181	L729782[a]	21/08/2001	05/11/2005	EUR	30 483 545.05	36 638 876.26	Oil spares
702374	U737961[a]	15/11/2002	31/10/2005	USD	82 510 511.00	82 510 511.00	Electricity
902035	L735018[a]	18/03/2005	30/03/2005	EUR	368 823.81	443 297.85	Communication/ transportation
Total					**3 letters of credit**	**119 592 685.11**	

[a] Amended.

United Nations S/2005/808

Security Council

Distr.: General
20 December 2005

Original: English

Letter dated 14 December 2005 from the Secretary-General addressed to the President of the Security Council

As you are aware, my Special Adviser, Mr. Mohamed Sahnoun, provides advice on the actual and potential roles of the United Nations in addressing conflict situations in Africa, especially in the countries of the Greater Horn of Africa. He has monitored closely the developments in the region and has participated in consultations that helped promote and implement negotiated settlements to conflicts.

Mr. Sahnoun has represented me at meetings dealing with regional issues, including the signing ceremony of the Comprehensive Peace Agreement on the Sudan held in Kenya. He has also visited Member States and participated on my behalf in important meetings dedicated to the situation in the Horn of Africa. He provided me with valuable advice during my recent visit to the Middle East.

I have decided to extend Mr. Sahnoun's appointment until 31 December 2006 to continue to benefit from his expertise and his efforts, as required.

I should be grateful if you could bring the present letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-65686 (E) 211205

United Nations S/2005/809

Security Council

Distr.: General
20 December 2005

Original: English

Letter dated 20 December 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 14 December 2005 (S/2005/808) concerning your decision to extend the appointment of Mr. Mohamed Sahnoun as your Special Adviser on Africa until 31 December 2006 has been brought to the attention of the members of the Security Council. They take note of the information and decision contained in your letter.

(*Signed*) Emyr **Jones Parry**
President of the Security Council

05-65693 (E) 211205

United Nations S/2005/810

Security Council

Distr.: General
21 December 2005

Original: English

Draft resolution

The Security Council,

Recalling its resolutions and the statements by its President concerning the Democratic Republic of the Congo, especially resolutions 1533 of 12 March 2004, 1565 of 1 October 2004, 1592 of 30 March 2005, 1596 of 18 April 2005, 1616 of 15 August 2005, 1621 of 6 September 2005 and 1628 of 30 September 2005, and the statements of 2 March (S/PRST/2005/10) and 4 October 2005 (S/PRST/2005/46),

Reaffirming its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region, and its support for the process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 December 2002, and *underlining* the importance of elections as the foundation for the longer-term restoration of peace and stability, national reconciliation and establishment of the rule of law in the Democratic Republic of the Congo,

Reiterating its serious concern regarding the continuation of hostilities by militias and foreign armed groups in the eastern part of the Democratic Republic of the Congo, and at the threat they pose to civilians and to the holding of elections in the Democratic Republic of the Congo and to stability in the region,

Deploring the violations of human rights and international humanitarian law committed by these groups and militias and *stressing the urgent need* for those responsible for these crimes to be brought to justice,

Welcoming the robust action taken by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) against these groups and militias, and *commending* the dedication of the personnel of MONUC, who are operating in particularly hazardous conditions,

Calling upon all armed groups in the Great Lakes Region of Africa, such as the Forces démocratiques de libération du Rwanda (FDLR), the Palipehutu — Forces nationales de libération (FNL), the Lord's Resistance Army, to act without delay to lay down their arms, enter demobilization programmes and support efforts to consolidate peace under way in the region,

Having noted the decision, taken on 16 September 2005 by the Democratic Republic of the Congo, Uganda, Rwanda and Burundi, acting within the framework

05-65788 (E) 211205

of the Tripartite Plus Joint Commission, to retain the deadline of 30 September 2005 for the voluntary disarmament of the FDLR, on the understanding that sanctions would be imposed should they fail to respect this deadline,

Taking note of the letter dated 21 October 2005 from the ministers representing Burundi, the Democratic Republic of the Congo, Rwanda and Uganda on the Tripartite Plus Joint Commission addressed to the President of the Council,

Calling upon the States of the region to deepen their cooperation with a view to putting an end to the activities of illegal armed groups, and *underlining* that any recourse to the threat or use of force against the territorial integrity of a State is contrary to the Charter of the United Nations,

Urging in this regard participants in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region of Africa to convene the second summit as soon as possible,

Aware that the link between the illegal exploitation of natural resources, the illicit trade in those resources and the proliferation and trafficking of arms is one of the factors fuelling and exacerbating conflicts in the Great Lakes Region of Africa, and especially in the Democratic Republic of the Congo,

Paying tribute to the donor community for the assistance it is providing to the Democratic Republic of the Congo, and *encouraging* it to maintain that assistance,

Taking note of the report of the Security Council mission which visited the region of Central Africa from 4 to 11 November 2005 (S/2005/716), and *endorsing* its recommendations,

Noting that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Deplores* the fact that foreign armed groups present in the eastern part of the Democratic Republic of the Congo have not yet laid down their arms, and *demands* that all such groups engage voluntarily and without any delay or preconditions in their disarmament and in their repatriation and resettlement;

2. *Decides* that, for a period expiring on 31 July 2006, the provisions of paragraphs 13 to 16 of resolution 1596 shall extend to the following individuals, as designated by the Committee established pursuant to resolution 1533 ("the Committee"):

(a) political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups,

(b) political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo and in particular those operating in Ituri, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

3. *Decides* that the measures imposed under paragraph 2 above as well as those under paragraph 13 of resolution 1596 shall not apply where the Committee authorizes in advance, and on a case by case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to

bring to justice perpetrators of grave violations of human rights or international humanitarian law;

4. *Decides* that the tasks of the Committee set out in paragraph 18 of resolution 1596 shall extend to the provisions set out in paragraph 2 above;

5. *Requests* the Secretary-General and the Group of Experts established under resolution 1533, within its capabilities and without prejudice to the execution of the other tasks in its mandate, to assist the Committee in the designation of the leaders referred to in paragraph 2 above;

6. *Decides* that the provisions of paragraphs 2 to 5 above shall enter into force on 15 January 2006, unless the Secretary-General informs the Council that the process of disarmament of those foreign armed groups and Congolese militias operating in the Democratic Republic of the Congo is being completed;

7. *Decides* that, no later than 31 July 2006, it shall review the measures set forth in paragraph 2 above, in light of progress accomplished in the peace and transition process in the Democratic Republic of the Congo, in particular with regard to the disarmament of foreign armed groups;

8. *Urges* the Government of National Unity and Transition to do its utmost to ensure the security of civilians, including humanitarian personnel, by effectively extending State authority throughout the territory of the Democratic Republic of the Congo, and in particular in the provinces of North Kivu and South Kivu and in the Ituri district;

9. *Recalls* that, by its resolution 1565, the Council has mandated MONUC to support operations led by the Armed Forces of the Democratic Republic of the Congo to disarm foreign combatants, and to facilitate the voluntary repatriation of disarmed foreign combatants and their dependants;

10. *Requests* in this regard the Secretary-General, in close coordination with all relevant stakeholders and in particular the Government of National Unity and Transition, to submit to the Council for its consideration, by 15 March 2006, a comprehensive and integrated strategy for the disarmament, repatriation and resettlement of foreign combatants, incorporating military, political, economic and justice-related aspects, including MONUC's contribution within its current mandate, in accordance with the applicable norms of international law and with respect for the rights and freedom of the human person;

11. *Emphasizes* that, as per resolution 1565, MONUC is authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any foreign or Congolese armed group from attempting to use force to threaten the political process, and to ensure the protection of civilians under imminent threat of physical violence;

12. *Urges* the Government of National Unity and Transition to carry out reform of the security sector, through the expeditious integration of the Armed Forces and of the National Police of the Democratic Republic of the Congo, and in particular by ensuring adequate and timely payment and logistical support for their personnel, with a view to allowing them, inter alia, to expedite the disarmament of armed groups operating on Congolese territory, *taking note* as appropriate of the Eusec recommendations mentioned in the report of the Security Council mission to Central Africa;

13. *Reiterates its call* on the donor community, as a matter of urgency, to continue to engage firmly in the provision of assistance needed for the integration, training and equipping of the Armed Forces and of the National Police of the Democratic Republic of the Congo, and *urges* the Government of National Unity and Transition to promote all possible means to facilitate and expedite cooperation to this end;

14. *Requests* the Secretary-General to submit his observations and, if he deems it necessary, recommendations concerning the letter dated 21 October 2005 from the ministers representing Burundi, the Democratic Republic of the Congo, Rwanda and Uganda on the Tripartite Plus Joint Commission addressed to the President of the Council;

15. *Demands* that the Governments of Uganda, Rwanda, the Democratic Republic of the Congo and Burundi take measures to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolutions 1493 and 1596, and renewed by resolution 1616, or in support of activities of armed groups present in the region;

16. *Demands further* that all States neighbouring the Democratic Republic of the Congo as well as the Government of National Unity and Transition, impede any kind of support to the illegal exploitation of Congolese natural resources, particularly by preventing the flow of such resources through their respective territories;

17. *Requests* States concerned and particularly those in the region to take additional measures with regard to the political and military leaders of the foreign armed groups present in their respective territories, including, where necessary, by taking action to bring them to justice or by taking appropriate measures of international cooperation and judicial assistance;

18. *Reiterates its call* upon the Congolese authorities to bring to justice without delay perpetrators of grave violations of human rights and of international humanitarian law, and *reiterates* that MONUC's mandate, as set out in resolution 1565, includes cooperation with efforts to bring such perpetrators to justice;

19. *Demands* that all parties cooperate fully with the International Criminal Tribunal for Rwanda in Arusha, particularly with regard to the arrest and transfer of indictees who remain at large;

20. *Decides* to remain actively seized of the matter.

United Nations S/2005/811

Security Council

Distr.: General
20 December 2005
English
Original: French

Draft resolution

The Security Council,

Recalling its resolutions and the statements by its President on Burundi, and in particular resolution 1545 of 21 May 2004,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi, and *recalling* the importance of the principles of good-neighbourliness, non-interference and cooperation in the relations among States in the region,

Congratulating the people of Burundi for the successful conclusion of the transitional period and the peaceful transfer of authority to representative and democratically elected government and institutions,

Expressing its gratitude to the States of the Regional Initiative for peace in Burundi, the African Union and the United Nations Operation in Burundi (ONUB) for their significant contribution to the success of the political transition,

Encouraging the new authorities and all Burundian political actors to continue on the course of stability and national reconciliation and to promote social concord in their country, while *recognizing* that numerous challenges remain to be addressed,

Stressing the need to put in place the reforms provided for in the Arusha Agreement for Peace and Reconciliation in Burundi,

Encouraging in particular the Burundian authorities to continue to work with the Special Representative of the Secretary-General, including on the establishment of the mixed Truth Commission and the Special Chamber within the court system of Burundi referred to in resolution 1606 of 20 June 2005,

Reiterating its support for ONUB, which continues to have an important role to play in support of the Government's efforts towards the consolidation of peace,

Recognizing the important role of the Partners Forum established during the New York summit on Burundi on 13 September 2005, in the consolidation of peace and reconciliation in Burundi and in supporting reform being undertaken by the Government,

Encouraging the Government to work with its international partners, in particular with a view to mobilizing assistance for the reconstruction of the country,

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Taking note of the position of the Government on the evolution of ONUB's mandate, as presented to the Council on 30 November 2005 by Mrs Antoinette Batumubwira, Minister of External Relations and International Co-operation, and recorded in the letter to the President of the Security Council dated 23 November 2005 (S/2005/736),

Taking note of the report of the Security Council mission which visited the region of Central Africa from 4 to 11 November 2005 (S/2005/716), and *endorsing* its recommendations,

Expressing its serious concern at the continuation of hostilities by the Forces nationals de Libération — Palipehutu (FNL), and at the threat they pose to civilians,

Noting that although there has been an improvement in the security situation since the completion of the transitional period, factors of instability remain in Burundi and in the Great Lakes region of Africa, which continue to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Takes note* of the Secretary-General's fifth report on ONUB, dated 21 November 2005 (S/2005/728), and in particular of the recommendations in its paragraphs 57 to 60;

2. *Decides* to extend the mandate of the ONUB until 1 July 2006;

3. *Welcomes* the readiness expressed by the Secretary-General to continue to consult closely with the Government of Burundi, with a view to determining, on the basis of the recommendations referred to in the letter dated 23 November 2005, the modalities for implementing a gradual disengagement of the United Nations' peacekeeping presence and of an adjustment to its mandate, taking into account all the circumstances, as well as the merits of a United Nations contribution and support to the consolidation of peace in Burundi;

4. *Looks forward* to receiving the Secretary-General's report on the joint assessment mentioned in paragraph 60 of his fifth report on ONUB, by 15 March 2006;

5. *Authorizes*, subject to the following conditions, the temporary redeployment of military and civilian police personnel among ONUB and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), taking into account the need to ensure effective performance of the current mandates of those missions, and *requests* in this regard the Secretary-General to begin consultations with the countries contributing military and civilian police personnel to those missions:

(a) the Secretary-General shall receive prior agreement of the countries contributing military and civilian police personnel and of the Governments concerned,

(b) he shall inform the Security Council in advance of his intention to make such a redeployment, and in particular of its proposed scope and duration,

(c) any such redeployment shall require a corresponding prior decision of the Security Council,

6. *Underlines* that any personnel redeployed in accordance with paragraph 5 above shall continue to be counted against the authorized ceiling on military and civilian personnel of the mission from which they are being transferred, and that any such transfer shall not have the effect of extending the deployment of personnel after the expiration of the mandate of their original mission, unless the Security Council decides otherwise;

7. *Urges* the Government to complete the implementation of the programme of disarmament, demobilization and reintegration, including the effective reintegration of former combatants;

8. *Welcomes* the willingness shown by the Government to achieve a peaceful solution with the Palipehutu-FNL, and *reiterates* its call upon this movement to join the peace and national reconciliation process without further delays or conditions, and its intention to consider appropriate measures that might be taken against those individuals who threaten this process;

9. *Expresses its deep concern* at the violations of human rights reported by the Secretary-General, and *urges* the Government and other parties concerned to take the necessary steps to prevent further violations and to ensure that those responsible for such violations are brought to justice without delay;

10. *Urges* the international partners for the development of Burundi, including the concerned bodies of the United Nations, to continue to provide their support for the reconstruction of the country, particularly through an active participation in the donors conference to be organized in early 2006;

11. *Decides* to remain actively seized of the matter.

United Nations S/2005/812

Security Council

Distr.: General
20 December 2005

Original: English

Draft resolution

The Security Council,

Recalling its previous resolutions concerning the situation in Sudan, in particular resolutions 1591 (2005) of 29 March 2005 and 1556 (2004) of 30 July 2004, and statements of its President concerning Sudan,

Stressing its firm commitment to the cause of peace throughout Sudan, including through the African Union (AU)-led inter-Sudanese peace talks in Abuja ("Abuja Talks"), full implementation of the Comprehensive Peace Agreement, and an end to the violence and atrocities in Darfur,

Urging all parties at the Abuja Talks to reach without further delay an agreement that will establish a basis for peace, reconciliation, stability and justice in Sudan,

Recalling the 7 October 2005 midterm briefing of the Panel of Experts appointed by the Secretary-General, further to paragraph 3 (b) of resolution 1591 (2005), and *anticipating* the receipt of its final report,

Emphasizing the need to respect the provisions of the Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region,

Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the Panel of Experts appointed pursuant to resolution 1591 (2005) until 29 March 2006, and *requests* the Secretary-General to take the necessary administrative measures;

2. *Requests* the Panel of Experts to report and make recommendations to the Council, through the Committee established by paragraph 3 (a) of resolution 1591 (2005), prior to the termination of its mandate, on the implementation of the

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measures imposed by paragraphs 3, 6 and 7 of resolution 1591 (2005) and paragraphs 7 and 8 of resolution 1556 (2004);

3. *Decides* to remain actively seized of the matter.

United Nations S/2005/813

Security Council

Distr.: General
20 December 2005

Original: English

Letter dated 19 December 2005 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council

I have the honour to transmit herewith the annual report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia (see annex), containing an account of the Committee's activities for 2005. The report, which was adopted by the Committee on 19 December 2005, is being submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

(*Signed*) Lauro L. **Baja**, Jr.
Chairman
Security Council Committee established pursuant to
resolution 751 (1992) concerning Somalia

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Annex

Annual report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia covers the period from 1 January to 31 December 2005.

2. The report of the Committee covering its activities from 1 January to 31 December 2004 (S/2004/1017, annex) was submitted to the Security Council on 30 December 2004.

3. For 2005, the bureau consisted of Lauro L. Baja, Jr. (Philippines) as Chairman, with the delegations of Algeria and Greece as Vice-Chairmen (see S/2005/3).

4. The Committee held three formal meetings and nine informal meetings in 2005.

II. Background

5. On 14 July 2005, the President of the Security Council issued a statement (S/PRST/2005/32) on behalf of the Council, reminding all parties in Somalia, including all members of the transitional federal institutions, as well as all Member States, of their obligation to implement and enforce the arms embargo imposed by the Council under resolution 733 (1992). Continued non-compliance with this measure undermined the efforts of those who sought to establish peace in Somalia. There could be no effective and lasting progress in Somalia as long as arms and ammunition flowed unchecked across Somalia's borders. On 9 November 2005, the President of the Council issued a statement (S/PRST/2005/54) on behalf of the Council, condemning the increased inflow of weapons into Somalia and the continuous violations of the United Nations arms embargo. The Council further reminded all States of their obligations to comply fully with the measures imposed by resolution 733 (1992) and urged them to take all necessary steps to hold violators accountable.

6. In paragraph 3 of resolution 1587 (2005) of 15 March 2005 concerning Somalia, the Security Council requested the Secretary-General, in consultation with the Committee established pursuant to resolution 751 (1992), to re-establish, within 30 days of the date of adoption of resolution 1587 (2005) and for a period of six months, the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), with the mandate to continue investigating the implementation of the arms embargo by Member States and violations of the embargo. The re-established Monitoring Group was also mandated, inter alia, to continue refining and updating information on the draft list of those individuals and entities who violate the measures implemented by Member States in accordance with resolution 733 (1992), inside and outside Somalia, and their active supporters, for possible future measures by the Council. In paragraph 6 of resolution 1587 (2005), the Council requested the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider and recommend to the

Council ways to improve the implementation of and compliance with the arms embargo, including ways to develop the capacity of States in the region to implement the arms embargo, in response to continuing violations.

7. In paragraph 3 of resolution 1630 (2005) of 14 October 2005 concerning Somalia, the Security Council requested the Secretary-General, in consultation with the Committee, to re-establish, within 30 days of the date of adoption of this resolution and for a period of six months, the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), with the mandate to continue tasks outlined in resolution 1587 (2005). The re-established Monitoring Group was also mandated, inter alia, to continue investigating, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit arms embargo violations, as well as any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations. In paragraph 6 of resolution 1630 (2005), the Council requested the Committee to recommend to the Council ways to improve the implementation of and compliance with the arms embargo, in response to continuing violations.

III. Summary of the Committee's activities

8. On 25 January 2005, an informal meeting of the Committee was convened with the representative of Ethiopia to hear what steps the Government of Ethiopia had taken to implement the arms embargo, what challenges it had encountered while doing so and how the international community could assist the Ethiopian Government in addressing these challenges. Similarly, informal meetings of the Committee were held on 11 February 2005 with the representative of Kenya and on 28 February with the representative of Eritrea.

9. On 18 February 2005, an informal meeting was held to discuss actions to follow up the meetings of the Committee with the representatives of Somalia's neighbouring States.

10. On 8 March 2005, the Committee convened its 30th formal meeting for the presentation of the report of the Monitoring Group pursuant to paragraph 3 of Security Council resolution 1558 (2004). On 15 March 2005, the Chairman briefed the Security Council on the outcome of the Committee's meeting.

11. On 12 April 2005, another informal meeting was convened to discuss actions to follow up the meetings with representatives of Somalia's neighbouring States.

12. On 20 April 2005, an informal meeting of the Committee was held to meet with members of the Monitoring Group.

13. On 24 June 2005, an informal meeting was convened to discuss a letter from the Chairperson of the African Union dated 13 May 2005 seeking an exemption for the Intergovernmental Authority on Development and African Union support missions to bring military equipment into Somalia.

14. On 12 July 2005, the Committee convened its 31st formal meeting to hear a midterm briefing of the Monitoring Group pursuant to paragraph 3 (e) of Security Council resolution 1558 (2004). At the same meeting, the Monitoring Group summarized its work and preliminary findings as well as its workplan for the

remainder of its mandate, and replied to questions raised by Committee members in this regard. On 14 July 2005, the Chairman briefed the Security Council on the outcome of the Committee's meeting.

15. On 5 October 2005, the Committee convened its 32nd formal meeting to discuss the findings of the Monitoring Group and recommendations contained in its final report to the Committee (see S/2005/625) pursuant to paragraph 3 (e) of Security Council resolution 1558 (2004). On 14 October 2005, the Chairman briefed the Security Council on the outcome of the Committee's meeting.

16. On 17 October 2005, an informal meeting was convened to discuss the proposed visit of the Chairman to States of the region.

17. On 16 December 2005, an informal meeting of the Committee was convened to hear a briefing by the Chairman on his visit to the region. Between 26 November and 4 December 2005, he had visited Kenya, Ethiopia and Yemen; owing to security considerations, travel to Somalia had not been possible. He had met with a wide range of interlocutors, including senior officials from Governments and the military, officials from the African Union and members of the diplomatic corps. Members of the Committee expressed their appreciation to the outgoing Chairman for his tireless efforts during the last two years.

IV. Other issues

18. On 7 January 2005, 19 May 2005 and 14 December 2005, the Committee approved requests from the United Kingdom of Great Britain and Northern Ireland, on behalf of the Halo Trust, to ship equipment to Somalia for its mine-clearance operations.

V. Summary of the activities of the Monitoring Group

19. On 7 April 2005, pursuant to paragraph 3 of resolution 1587 (2005), the Secretary-General appointed four members to the Monitoring Group, to be based in Nairobi for a period of six months (see S/2005/229). At the midterm briefing, on 12 July 2005, the members of the Monitoring Group reported on continued violations of the arms embargo on Somalia. In its final report, submitted to the Committee on 4 October 2005 (see S/2005/625), the Monitoring Group recommended continued monitoring and an integrated approach to the arms embargo to ensure its effectiveness.

20. On 3 November 2005, pursuant to paragraph 3 of resolution 1630 (2005), the Secretary-General reappointed the four members of the Monitoring Group, to be based in Nairobi for a period of six months (see S/2005/695).

VI. Conclusions and observations

21. In 2005 the Committee continued its active engagement in the implementation of the arms embargo on Somalia. The Committee's strong support for the work of the Monitoring Group, its active dialogue with and engagement of Somalia's neighbouring States and the Chairman's visit to the region in late November and

early December are evidence of its firm commitment to further strengthen the arms embargo on Somalia. As in the past, the Committee continues to rely on the cooperation of States and organizations that are in a position to provide information on violations of the arms embargo.

United Nations S/2005/814

Security Council

Distr.: General
21 December 2005

Original: English

Note by the President of the Security Council

Following consultations among the members of the Security Council, it has been agreed that the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, initially established on 1 March 2002 (see S/2002/207) for a period of one year, will continue its work until 31 December 2006.

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United Nations S/2005/815

Security Council

Distr.: General
23 December 2005

Original: English

Letter dated 9 December 2005 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

The Governing Council of the United Nations Compensation Commission has concluded its fifty-eighth session, which was held at Geneva from 6 to 8 December 2005.

During the opening plenary meeting, representatives of Kuwait, Iraq, India and Palestine addressed the Council. Their respective statements are being sent by mail with the original of the present letter.

During the session, the Council discussed the following issues and decided as follows:

To take note of the report of the Executive Secretary: summary of activities, covering the period from 1 September to 15 November 2005.

With respect to the issue of the shortfall to the Compensation Fund of approximately $37.2 million, to request that the secretariat follow up on its correspondence with the Controller; to request that the secretariat prepare an information note on the implications of the shortfall on the payment of claims for the Council's consideration; and to keep this issue on the agenda for the next session of the Governing Council.

To approve corrections to certain category A, C and D claims contained in the thirty-second report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/Dec.254 (2005)).

To adopt a decision adopting the guidelines for a follow-up programme on environmental claim awards which had been reviewed and considered by the F4 claimant Governments, consisting of the Islamic Republic of Iran, Jordan, Kuwait, Saudi Arabia, and the Government of Iraq; they had also recommended that the guidelines be presented to the Governing Council (S/AC.26/Dec.258 (2005)).

To request that the secretariat send a letter to the Government of Kuwait regarding certain monitoring and assessment studies, advising that the Council has considered the responses from Kuwait on this issue and further noting that although modifications have been made to the studies, they still meet the objectives of the approved awards; the letter is to also indicate that, in the

future, and in accordance with the guidelines established for the follow-up programme, which are also applicable to the remaining monitoring and assessment studies, modifications to funded projects must be submitted to the Governing Council for approval prior to such modifications being made.

To take note of the briefing provided by the secretariat on audit certificates concerning unfinished monitoring and assessment environmental projects in the first instalment of F4 claims and to note that the Saudi Arabia issues have been satisfactorily resolved and that the secretariat is awaiting a response from Kuwait; to request that the secretariat continue its work on this issue; to request that the secretariat report back to the Governing Council, where necessary.

With respect to the issue of some public availability of the environmental monitoring and assessment databank, which comprises information submitted by claimant Governments, to request that the secretariat participate in a meeting of F4 claimant Governments, the Government of Iraq and the Compensation Commission scheduled to take place on 17 December 2005 in Kuwait to address the needs, requirements, cost allocation and other issues pertaining to the regional databank; to request that the secretariat provide an update to the Governing Council on this issue following the meeting for the Council's consideration at its next session.

To adopt a decision concerning an Iranian deceased detainee and approve the award recommended in the amount of $220,000 (S/AC.26/Dec.257 (2005)).

To adopt a decision concerning the payment of claim No. 4002126 filed by Lloyd's Syndicate No. 1131 (S/AC.26/Dec.255 (2005)).

To take note of the status report on the archiving of Compensation Commission records that was provided by the secretariat.

To adopt the access policy for Compensation Commission records archives prepared by the secretariat.

To refer the request of Kuwait for the return of confidential documents to an informal meeting of the Working Group for further consideration.

To take note of the report of the Executive Secretary on the distribution of payments and transparency and the return of undistributed funds, and to request the secretariat to continue to inform the Governing Council of the reports of Governments and international organizations on the distribution of payments and the return of undistributed funds; and to request that all Governments seeking payment of undistributed funds upon locating claimants provide accompanying information substantiating that the claimants concerned have been located.

To adopt a decision on the payment mechanism and the priority of payment of outstanding claims (S/AC.26/Dec.256 (2005)).

To request that the secretariat write a further letter to the Government of Bangladesh regarding the exchange rates used for claims payment expressing the Council's preoccupation on this issue; to invite a delegation to attend the

next informal meeting of the Working Group; and to keep this issue on the agenda of the Governing Council.

To request that the secretariat write further follow-up letters to the Governments of Liberia, Senegal and the former Yugoslav Republic of Macedonia regarding non-compliance with the reporting requirements of decisions 18 and 48; and to keep this issue on the agenda of the Governing Council.

With respect to the issue of potential duplicate awards, to request that the secretariat conduct additional investigations and provide monthly updates on the status of the ongoing investigation to the Governing Council; to refer a further discussion of the options and recommendations tabled by the secretariat to the next informal meeting of the Working Group for further consideration; to request that the secretariat take any necessary action, on a provisional basis, to preserve all the options presented by the secretariat pending a decision on this issue; to take note that the Executive Secretary has suspended the payment on repayable claims and that further duplication checks will be performed as requests for repayment are made; with respect to paid claims, to endorse the Executive Secretary's decision to withhold sufficient funds as a temporary precautionary measure to cover the total of the possible duplicate awards in the next payment to the Government of the Islamic Republic of Iran scheduled to be made in January 2006; to request that the secretariat immediately inform the Government of the Islamic Republic of Iran of this decision and to re-examine this matter at its next session; to approve the extension of the staff necessary to pursue its investigation until 30 June 2006; to consider, at the next session, the possible further extension of some staff, if necessary, once the secretariat has completed the next stage of its investigation and the Council has taken a further decision on this issue.

To take note of the recommendations in the management letter from the United Nations Board of Auditors on the audit of the interim financial statements of the Compensation Commission dated 19 September 2005 and the secretariat's response thereto; with respect to recommendations 20 and 21 in the Board's letter, to note that the Council's relevant decisions on this matter do not require the provision of audit certificates in the manner recommended by the Board and to note that the secretariat has sought clarification with respect to these recommendations; to proceed with the payment of awards and to keep the matter under review; to take note of the audit by the Office of Internal Oversight Services and the secretariat's response thereto; to request that the secretariat continue to provide updates on audit issues at future informal meetings of the Working Group; and to keep the audit issue on the agenda of the Governing Council.

With respect to the phasing out of the Compensation Commission, to note that the secretariat's initial proposal for the phasing out was divided into the two-year period 2006-2007, expected to be required to complete the payment of all individual awards as well as certain residual activities, and the post-2007 period; to note that the post-2007 phase has been brought forward to mid-2007 as payments to individual claimants will be completed as much as a year earlier than projected in the 11 November 2004 note; to consider the three options presented in the note of 11 November 2004, including (a) the

maintenance of the Compensation Fund under the continuing oversight of the Governing Council, supported by a residual secretariat in Geneva; (b) the maintenance of the Compensation Fund but the transfer of oversight to the Security Council in New York; and (c) the transferring of responsibility for continuing payments to the Government of Iraq under the supervision of the Security Council; to note that transferring the oversight function to New York would result in a loss of institutional memory and expertise that has been acquired by both the Governing Council and the secretariat staff; with respect to the cost projections for each of the options, to note that while the projected costs of option (b) appear to be lower than those of option (a), in reality, this may not be the case once the full details for such an arrangement have been reviewed; to note that a residual Compensation Commission secretariat in Geneva would be in a position to help oversee the monitoring mechanism for environmental awards that the Governing Council has under consideration, as well as registry and archiving functions that, irrespective of which option is selected by the Governing Council, would require the maintenance of the Registry and maintaining a number of staff in Geneva until the end of 2008; and to adopt option (a) as an interim arrangement while keeping option (c) open for consideration at a future date.

With respect to the 2006-2007 biennium, to note that a small increase in the 2006 segment of the budget is required since the staff (17 Professional and 18 General Service) expected to be on board as of 1 January 2006 may need to be supplemented in order to complete tasks relating to the phasing out that will need to be brought forward, and to agree in principle to the temporary budget increase in this respect; and to note that the Executive Secretary will be submitting a detailed revision of the budget for the 2006-2007 biennium, based on the conclusion reached by the Governing Council on the phasing out of the Compensation Commission.

With respect to the request by the Government of India to extend the date for the location of and payment to unlocated claimants, to note that more than nine months remain before the cut-off date and that in principle there should be no extension of the 30 September 2006 deadline; however, should there be a sudden large influx of repayment requests as the deadline approaches, which could be documented by the Government concerned, to reconsider the request, including the potential cost implications of extension of secretariat staff.

With respect to the request by Palestine for the reconsideration of 8,000 ineligible claims, the Governing Council recalled its previous decision that only those claimants who could demonstrate that they did not have a full and effective opportunity to file claims within the original filing deadline were eligible to participate in the Palestinian late claims programme; it also recalled that, under article 40(4) of the Compensation Commission Provisional Rules for Claims Procedure, decisions of the Governing Council are final and not subject to appeal or review on procedural, substantive or other grounds, and further recalled that the relevant panel of Commissioners assessed eligibility on a case-by-case basis and that their discretionary determinations in that regard are not amenable to correction under article 41 of the Rules; to direct that the secretariat inform the Palestinian Authority that the Council is unable to accept this request.

To take note of the final report dated 24 November 2005 regarding technical assistance provided to the Government of Iraq in respect of environmental claims before the Compensation Commission and to note that the remaining funds in the amount of $1,320,002.74 will revert to the Compensation Fund.

That the fifty-ninth session of the Governing Council be held from 7 to 9 March 2006; that the sixtieth session of the Governing Council be held from 27 to 29 June 2006; and that informal meetings of the Working Group be held between regular sessions of the Governing Council, as required.

As indicated above, a decision was taken at this session to modify the payment mechanism and the priority of payment of outstanding claims. The Governing Council, in previous conclusions, had indicated that owing to the character of environmental claims, it would consider, at the appropriate time, the possibility of a different payment mechanism which would prioritize successful environment claims. After the last payment of approximately $655 million on 27 October 2005, there are only 85 approved claims (in categories D, E and F), with an outstanding award balance of $32.4 billion, that have not been paid in full. Under the Council's decision, quarterly payments will be made in rounds of $2 million, rather than $100,000, and following the completion of payments to individual claimants and payment to all claims up to the level of $65 million, claimants with outstanding amounts greater than $500 million will receive a maximum amount of $2 million per quarter, whereas claimants with outstanding amounts smaller than $500 million and environmental awards approved for the third, fourth and fifth instalments of category F4 environmental remediation claims, will receive rounds of payments of $2 million, or the unpaid balance of the award, if less, until all available amounts in the Compensation Fund have been exhausted.

To date, approximately $20 billion has been made available to Governments and international organizations for distribution to successful claimants in all categories of claims. On 30 November 2005 the balance of the Compensation Fund was approximately $206 million.

(*Signed*) Ambassador Tassos **Kriekoukis**
President of the Governing Council

Annex

Documents before the Governing Council at its fifty-eighth session

1. Thirty-second report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/2005/13);
2. Decision concerning corrections of awards pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/Dec.254 (2005));
3. Decision concerning the expedited payment of United Nations Compensation Commission claim number 4002126 (S/AC.26/Dec.255 (2005));
4. Decision concerning the payment mechanism and the priority of payment of outstanding claims (S/AC.26/Dec.256 (2005));
5. Decision concerning an Iranian deceased detainee claim (S/AC.26/Dec.257 (2005));
6. Decision concerning follow-up programme for environmental claims awards (S/AC.26/Dec.258 (2005)).

United Nations S/2005/816

Security Council

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Letter dated 20 December 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a press release issued by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia (see annex) and the award of the Eritrea-Ethiopia Claims Commission dated 19 December 2005 on Ethiopia's claim of *jus ad bellum*, holding Eritrea responsible for the 1998-2000 war against Ethiopia and exposing it as the aggressor.

I should be grateful if you would kindly circulate the present letter and its annex to all members of the Security Council and issue it as a document of the Security Council.

(*Signed*) Teruneh **Zenna**
Chargé d'affaires a.i.

05-66145 (E) 281205

BEST COPY AVAILABLE

Annex to the letter dated 20 December 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the President of the Security Council

International Tribunal finds Eritrea responsible for the 1998-2000 war against Ethiopia exposing it as the aggressor

In its awards made public yesterday, 19 December 2005, the Eritrea-Ethiopia Claims Commission decided that Eritrea was liable for starting the two-year war with Ethiopia. The Commission also held Eritrea liable for intentionally killing, beating, and abducting Ethiopian civilians and for widespread looting and destruction of civilian property during Eritrea's attacks and occupation of Ethiopian territory in border regions. Even though the Commission did not find for Ethiopia on all counts, these awards are of monumental significance in exposing Eritrea as the aggressor and the belligerent nature of the regime in the current impasse in the peace process.

In finding Eritrea responsible for the outbreak of the crisis between the two countries in 1998, the Commission stated that Eritrea had violated international law when it attacked Ethiopia without provocation and occupied Badme and other undefended areas of Ethiopia in May, 1998. In paragraph 16 of the awards, the Commission rendered its decisive determination on the party that started the war and hence was responsible for the bloodshed that was caused between the two countries as follows:

> ....[T]he Commission holds that Eritrea violated article 2, paragraph 4, of the Charter of the United Nations by resorting to armed force to attack and occupy Badme, then under peaceful administration by Ethiopia, as well as other territory in the Tahtay Adiabo and Laelay Adiabo weredas of Ethiopia, in an attack that began on May 12, 1998, and is liable to compensate Ethiopia, for the damages caused by that violation of international law.

The Commission was very specific concerning when Eritrea's illegal incursion began and the composition of the Eritrean troops that mounted that unprovoked attack. The Commission sets forth as follows how the initial Eritrean unprovoked assault on Ethiopia began.

> **The evidence showed that, at about 5:30 a.m on May 12, 1998, Eritrean armed forces, comprised of at least two brigades of regular soldiers, supported by tanks and artillery, attacked the town of Badme and several other border areas in Ethiopia's Tahtay Adiabo Wereda, as well as at least two places in its neighboring Laelay Adiabo Wereda. On that day and in the days immediately following, Eritrean armed forces then pushed across the flat Badme plain to higher ground in the east.**

At the time of the attack, confident that the two brotherly peoples would not be a threat to each other, Ethiopia had no troops in the area. The Commission confirms this by saying in paragraph 14 of its award that "the weight of the evidence indicated that the Ethiopian defenders were composed merely of militia and some police, who were quickly forced to retreat by the invading Eritrean forces."

The Commission was categorical in dismissing all the arguments by Eritrea to justify its unlawful act on 12 May 1998. "Given the absence of an armed attack against Eritrea," the Commission says in the same paragraph, that "the attack that began on May 12 cannot be justified as lawful self-defense under the UN Charter."

It is to be recalled that the Eritrean Government has always argued, as it also did before the Claims Commission, that Ethiopia, through it's Parliament, had declared war on Eritrea on 13 May, 1998. This, Eritrea, did, by deliberately misconstruing the resolution adopted by the Ethiopian Parliament. The Commission was not mislead by Eritrea's attempt to seek justification for its aggression. The Commission said in paragraph 17 of the same award that:

> **On May 13, 1998, the Ethiopian Council of Ministers and Parliament passed a resolution that condemned the May 12 invasion and demanded the unconditional and immediate withdrawal of Eritrean forces from Ethiopian territory. This resolution was not, as Eritrea has asserted, a declaration of war.**

The Commission also makes it clear in paragraph 15 of the awards that there was no justification for Eritrea to attack Ethiopia on the grounds that Ethiopia had violated Eritrea's territorial integrity. This is how the Commission puts it:

> **The areas initially invaded by Eritrean forces on that day were all either within undisputed Ethiopian territory or within territory that was peacefully administered by Ethiopia and that later would be on the Ethiopia side of the line to which Ethiopian armed forces were obligated**

to withdraw in 2000 under the Cease-Fire Agreement on June 18,2000.

The Commission in its statement reiterates that the scope of the damages for which Eritrea is liable will be determined in the damages phase of the proceeding.

Ethiopia never had any doubts that this would be the conclusion of any third party that has the opportunity to look at the facts that ignited the crisis between Ethiopia and Eritrea with some degree of objectivity and respect for the facts. This was also how the OAU had ruled through an Ambassadorial Committee that it had established at the time. The Eritrean Government has tried to mislead its own people and the international community about the origin of the crisis between the two countries by using the decision of the Boundary Commission for creating confusion. That is no longer possible. No attempt by the Eritrean leadership to conceal the truth would succeed. Ethiopia and Eritrea are where they are today because of one incontrovertible fact that has now been made unambiguously clear by the Claims Commission. That fact is none other than the fateful, tragic and unprovoked aggression by Eritrea on peaceful Ethiopia. This decision has an extremely important bearing on the current status of the peace process between Ethiopia and Eritrea. This latest decision by the Claims Commission makes it clear beyond any doubt that Eritrea has absolutely no ground for claiming the moral high ground in this conflict. It was the aggressor. Eritrea, as the Commission said, in paragraph 16 of its award, violated Article 2, paragraph 4, of the Charter of the United Nations, which states that:

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in

any other manner inconsistent with the Purposes of the United Nations.

It is significant to note here that in directly rejecting Eritrea's legal position that the threat or use of force is justified under international law to take territory peacefully administered by another state simply because of a claim on the territory, the Commission stated that:

[T]he practice of States and the writings of eminent publicists show that self-defense cannot be invoked to settle territorial disputes. In that connection, the Commission notes that border disputes between States are so frequent that any exception to the prohibition of the threat or use of force for territory that is allegedly occupied unlawfully would create a large and dangerous hole in a fundamental rule of international law.

No matter which way it is looked at, there is no defense for the unprovoked aggression carried out by Eritrea against Ethiopia between 1998 and 2000. That is what the Claims Commission has determined in its awards of December 19,2005.

What Eritrea committed was a clear aggression without any provocation whatsoever from Ethiopia. This is a determination by the Claims Commission which, not only puts to rest whatever doubts people might have had about the genesis of this crisis, but it also throws useful light on the nature of the challenge the peace process between the two countries still faces. There was no justification for the Eritrean aggression in May 1998. There is as well no justification for what Eritrea is doing currently to escalate the tension along the common border, and to create obstacle to the resolution of the crisis and to normalization of relations.

Enclosure

PARTIAL AWARD

Jus Ad Bellum
Ethiopia's Claims 1–8

between

The Federal Democratic Republic of Ethiopia

and

The State of Eritrea

By the Claims Commission, composed of:
Hans van Houtte, President
George H. Aldrich
John R. Crook
James C.N. Paul
Lucy Reed

PARTIAL AWARD – *Jus ad Bellum* – Ethiopia's Claims 1–8
between the Claimant,
The Federal Democratic Republic of Ethiopia, represented by:

Government of Ethiopia

Ambassador Fisseha Yimer, Permanent Representative of the Federal Democratic Republic of Ethiopia to the United Nations, Geneva, Co-Agent
Mr. Habtom Abraha, Consul General, Ethiopian Mission in The Netherlands
Mr. Ibrahim Idris, Director, Legal Affairs General Directorate, Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, Addis Ababa
Mr. Reta Alemu, First Secretary, Coordinator, Claims Team, Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, Addis Ababa
Mr. Yared Getachew, Esq., Legal Advisor, Member of the State Bar of New Jersey

Counsel and Consultants

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Professor Sean D. Murphy, George Washington University School of Law, Washington, D.C., Member of the State Bar of Maryland
Mr. Edward B. Rowe, Hunton & Williams LLP, Washington, D.C.; Member of the Bar of the District of Columbia; Member of the State Bar of Colorado
Ms. Virginia C. Dailey, Hunton & Williams LLP, Washington, D.C., Member of the Bar of the District of Columbia; Member of the State Bar of Florida
Mr. Thomas R. Snider, Hunton & Williams LLP, Washington, D.C., Member of the Bar of the District of Columbia; Member of the State Bar of Massachusetts

and the Respondent,
The State of Eritrea, represented by:

Government of Eritrea

His Excellency, Mohammed Suleiman Ahmed, Ambassador of the State of Eritrea to The Netherlands
Professor Lea Brilmayer, Co-Agent for the Government of Eritrea, Legal Advisor to the Office of the President of Eritrea; Howard M. Holtzmann Professor of International Law, Yale Law School
Ms. Lorraine Charlton, Deputy Legal Advisor to the Office of the President of Eritrea

Counsel and Advocate

Professor James R. Crawford, SC, FBA, Whewell Professor of International Law, University of Cambridge; Member of the Australian and English Bars; Member of the Institute of International Law

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Mr. Abrham Tesfay Haile, Esq.
Ms. Lori Danielle Tully, Esq.
Ms. Cristina Villarino Villa, Esq.

PARTIAL AWARD – *JUS AD BELLUM*
ETHIOPIA'S CLAIMS 1–8

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PARTIAL AWARD – *JUS AD BELLUM*
ETHIOPIA'S CLAIMS 1–8

I. INTRODUCTION

1. This Claim (included as a component of all of Ethiopia's Claims 1–8) has been brought to the Commission by the Claimant, the Federal Democratic Republic of Ethiopia ("Ethiopia"), pursuant to Article 5 of the Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea of December 12, 2000 ("the Agreement"). The Claimant asks the Commission to find the Respondent, the State of Eritrea ("Eritrea"), liable for loss, damage and injury suffered by the Claimant, including loss, damage and injury suffered by the Claimant's nationals, as a result of the alleged use of force against the Claimant in violation of the rules of international law regulating the resort to force, the *jus ad bellum*, in May and June 1998.[1] The Claimant requests monetary compensation.

2. The Respondent asserts that it fully complied with international law in its resort to military operations.

II. JURISDICTION

3. Eritrea asserted that the Commission has no jurisdiction over this issue, because the Agreement, in Article 3, assigns the responsibility to address it to another body. The Commission finds that argument unpersuasive. Article 3 provides for the creation of an "independent and impartial body" to be appointed by the Secretary-General of the Organization of African Unity in consultation with the Secretary-General of the United Nations, and defines its task in the following terms:

> In order to determine the origins of the conflict, an investigation will be carried out on the incidents of 6 May 1998 and on any other incident prior to that date which could have contributed to a misunderstanding between the parties regarding their common border, including the incidents of July and August 1997.

The Commission understands that the independent body authorized by Article 3 has never been constituted.

4. The terms "origins of the conflict" and "misunderstanding between the parties regarding their common border" are not the same as the legal issue posed by Ethiopia for adjudication in this Claim, that is, whether Eritrea's actions in May and June 1998 involved the unlawful resort to force against Ethiopia resulting in liability in accordance with applicable rules of international law. Determination of the origins of the conflict and the nature of any misunderstandings about the border, had they been made by the impartial body

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[1] Both Parties utilized the terminology of *jus ad bellum* to describe the law governing the initial resort to force between them. At the hearing of this Claim in April 2005, Ethiopia confirmed that it meant by this the use of force contrary to the Charter of the United Nations, June 26, 1945, 59 Stat. p. 1031, 3 Bevans p. 1153 [hereinafter UN Charter].

anticipated by Article 3, could have been helpful in promoting reconciliation and border delimitation, but they certainly would not have answered the question of the legality of Eritrea's resort to force. The factual inquiries called for by Article 3 were largely different from the factual determinations this Commission must make in assessing Ethiopia's claim under Article 5. Moreover, it seems clear that Article 3 was carefully drafted to direct the impartial body to inquire into matters of fact, not to make any determinations of law. This Commission is the only body assigned by the Agreement with the duty of deciding claims of liability for violations of international law.

5. Upon first reading, the last sentence of Article 5 of the Agreement might well be thought to exclude the Commission's jurisdiction over rules of international law regulating the resort to force. That sentence provides that "[t]he Commission shall not hear claims arising from the cost of military operations, preparing for military operations, *or the use of force*, except to the extent that such claims involve violations of international humanitarian law" (emphasis added). However, at an early stage of the proceedings, the Parties agreed upon an interpretation of that sentence limiting it to claims solely for the costs of the enumerated activities, and the Commission agreed to respect that interpretation. That agreed interpretation was recorded in point 5 of the Commission's letter to the Parties of July 24, 2001.[2] Consequently, the Commission has jurisdiction pursuant to Article 5 over Ethiopia's *jus ad bellum* Claim.

III. THE MERITS

6. Ethiopia claimed that Eritrea carried out a series of unlawful armed attacks against it, beginning on May 12, 1998, in violation of the *jus ad bellum*, and made this an element of all eight of the Claims it submitted to the Commission.[3] The Commission, in ordering filing schedules, decided to hear that Claim along with Ethiopia's Claims concerning alleged violations of applicable international law, including the *jus in bello*, in the Western and Eastern Fronts (Ethiopia's Claims 1 and 3). Consequently, this Claim was heard in the Commission's April 11–15, 2005 hearings on liability.

7. The Commission informed the Parties on August 29, 2001 that it intended to conduct proceedings in Government-to-Government claims in two stages, first concerning liability, and second, if liability is found, concerning damages. Ethiopia filed its Statement of Claim on December 12, 2001, Eritrea's Statement of Defense was filed on December 16, 2002,

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[2] Point 5 of the Commission's July 24, 2001 letter to the Parties states:

> The Commission notes the agreement of the Parties that the last sentence of Article 5, paragraph 1 of the Agreement of 12 December 2000, despite its wording, was intended to mean that claims of compensation for all costs of military operations, all costs of preparing for military operations, and all costs of the use of force are excluded from the jurisdiction of the Commission, without exception. Consequently, the Commission shall respect that interpretation of the provision.

[3] *See, e.g.*, Partial Award, Central Front, Ethiopia's Claim 2 Between the the Federal Democratic Republic of Ethiopia and the State of Eritrea (April 28, 2004), para. 4 [hereinafter Partial Award in Ethiopia's Central Front Claims].

Ethiopia's Memorial on November 1, 2004, Eritrea's Counter-Memorial on January 17, 2005, and Ethiopia's Reply on March 10, 2005.

8. In essence, Ethiopia contended that Eritrea planned and carried out these attacks against Ethiopia in violation of its obligations under international law, including notably the requirement of Article 2, paragraph 4, of the Charter of the United Nations ("UN Charter") that all Members refrain from the threat or use of force against the territorial integrity or political independence of any State. Ethiopia alleged that, between May 12 and June 11, 1998, Eritrea launched a "full scale" invasion of Ethiopia at many points along their mutual border from Badme in the west to Bure in the east.

9. In addition to its jurisdictional objections, dealt with above, Eritrea denied Ethiopia's allegations on the merits. In its written pleadings, Eritrea made the following three main defensive assertions: (a) that Ethiopia was unlawfully occupying Eritrean territory in the area around Badme, which was the area of much of the initial hostilities in May 1998, citing the decision of the Eritrea-Ethiopia Boundary Commission of April 13, 2002;[4] (b) that Ethiopian armed militia near Badme carried out forcible incursions into Eritrea in early May 1998 and fired on Eritrean forces on May 6 and 7, killing eight Eritrean soldiers and setting off fighting between small units in the area during the next several days; and (c) that it was Ethiopia that declared war on Eritrea on May 13, 1998. On the last day of the hearing, Eritrea argued that its actions in taking Badme and adjacent areas on May 12, 1998 were lawful measures of self-defense, consistent with Article 51 of the UN Charter, taken in response to the fighting near Badme that began on May 6 and 7, 1998. While Eritrea asserted that these incidents occurred within Eritrean territory, Ethiopia asserted that they occurred within Ethiopian territory.

10. The Commission cannot accept the legal position that seems to underlie the first of these Eritrean contentions – that recourse to force by Eritrea would have been lawful because some of the territory concerned was territory to which Eritrea had a valid claim. It is true that the boundary between Eritrea and Ethiopia in the area of Badme was never marked in the years when Eritrea was an Italian colony, during Eritrea's subsequent incorporation into Ethiopia, or after Eritrean independence in 1993, and it is clear that the Parties had differing conceptions of the boundary's location. However, the practice of States and the writings of eminent publicists show that self-defense cannot be invoked to settle territorial disputes.[5] In

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[4] Decision Regarding Delimitation of the Border between the State of Eritrea and the Federal Democratic Republic of Ethiopia, Eritrea-Ethiopia Boundary Commission, April 13, 2002, *reprinted in* 41 I.L.M. p. 1057 (2002).

[5] *See, e.g.*, Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations (the "Friendly Relations Declaration"), UN General Assembly Resolution 2625 (XXV) of Oct. 24, 1970, G.A. Res. 2625, U.N. GAOR, 25th Sess., Supp. No. 28, U.N. Doc. A/8028, *reprinted in* 9 I.L.M. p. 1292 (1970) ("[E]very State has the duty to refrain from the threat or use of force . . . as a means of solving international disputes, including territorial disputes"); GAETANO ARANCIO-RUIZ, THE UNITED NATIONS DECLARATION ON FRIENDLY RELATIONS AND THE SYSTEM OF THE SOURCES OF INTERNATIONAL LAW pp. 104–105 (Sijthoff & Noordhoff 1979); ALFRED VERDROSS & BRUNO SIMMA, UNIVERSELLES VOLKERRECHT p. 905 (Duncker und Humblot 1984); Michel Virally, *Article 2*

that connection, the Commission notes that border disputes between States are so frequent that any exception to the prohibition of the threat or use of force for territory that is allegedly occupied unlawfully would create a large and dangerous hole in a fundamental rule of international law.

11. The Commission turns next to Eritrea's second line of argument. In general, recourse to the use of armed force by one State against another is unlawful unless it is used in self-defense or occurs with the sanction of the Security Council pursuant to Chapter VII of the UN Charter.[6] As the text of Article 51 of the Charter makes clear, the predicate for a valid claim of self-defense under the Charter is that the party resorting to force has been subjected to an armed attack. Localized border encounters between small infantry units, even those involving the loss of life, do not constitute an armed attack for purposes of the Charter. In that connection, the Commission notes that Eritrea did not report its use of armed force against Ethiopia on May 12, 1998 to the Security Council as measures taken in self-defense, as it would be obligated to do by Article 51 of the Charter in case of self-defense against armed attack.

12. With respect to the events in the vicinity of Badme that occurred during the period from May 6–12, 1998, the Commission takes note of the sharply different accounts offered by the Parties as to the precise location of the incidents of May 6 and 7 and of the numbers and types of forces involved. It need not resolve these differences, because it is clear from the evidence that these incidents involved geographically limited clashes between small Eritrean and Ethiopian patrols along a remote, unmarked, and disputed border. The Commission is satisfied that these relatively minor incidents were not of a magnitude to constitute an armed attack by either State against the other within the meaning of Article 51 of the UN Charter.

13. The Parties agreed that a joint body met in Addis Ababa on May 8, 1998 to discuss border problems.[7] Ethiopia asserted, and Eritrea did not dispute, that the head of the Eritrean delegation to that meeting was its Minister of Defense and that, following the meeting on May 8, its delegation left Addis Ababa during the night. Ethiopia asserted that it had expected the meeting to continue on May 9 and that it was surprised by the departure of the Eritrean delegation. Eritrea asserted in response that its delegation left because the meeting had concluded. Ethiopia also asserted that the meeting had been cordial and that agreement had

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Paragraphe 4, *in* LA CHARTE DES NATIONS UNIES pp. 119–125 (Economica, 2d ed. 1991); OSCAR SCHACHTER, INTERNATIONAL LAW IN THEORY AND PRACTICE p. 116 (Nijhoff 1991); PETER MALANCZUK, AKEHURST'S MODERN INTRODUCTION TO INTERNATIONAL LAW pp. 314–315 (Routledge, 7th rev. ed. 1997).

[6] *See, e.g.*, UN Charter, *supra* note 1, arts. 2(4), 24, 39–42; IAN BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW pp. 699–700 (Oxford University Press, 6th ed. 2003); ANTONIO CASSESE, INTERNATIONAL LAW pp. 296–298, 305–307 (Oxford University Press 2001); Albrecht Randelzhofer, *Article 2(4)*, *in* THE CHARTER OF THE UNITED NATIONS: A COMMENTARY pp. 111–118 (Bruno Simma ed., Oxford University Press 1994).

[7] The Parties disagreed regarding the nature of this body. Ethiopia contended that the Parties established a formal commission to address questions relating to the boundary. Eritrea characterized it in less formal terms. In any case, the Parties were engaged in a process of consultations regarding questions related to the boundary before hostilities began.

been reached that both sides should avoid border crossings by armed personnel and that the two sides would meet again in two months in Asmara to seek agreement on border issues. Eritrea did not respond in the present proceedings to those assertions.[8]

14. The evidence showed that, at about 5:30 a.m. on May 12, 1998, Eritrean armed forces, comprised of at least two brigades of regular soldiers, supported by tanks and artillery, attacked the town of Badme and several other border areas in Ethiopia's Tahtay Adiabo Wereda, as well as at least two places in its neighboring Laelay Adiabo Wereda. On that day and in the days immediately following, Eritrean armed forces then pushed across the flat Badme plain to higher ground in the east. Although the evidence regarding the nature of Ethiopian armed forces in the area conflicted, the weight of the evidence indicated that the Ethiopian defenders were composed merely of militia and some police, who were quickly forced to retreat by the invading Eritrean forces. Given the absence of an armed attack against Eritrea, the attack that began on May 12 cannot be justified as lawful self-defense under the UN Charter.

15. The areas initially invaded by Eritrean forces on that day were all either within undisputed Ethiopian territory or within territory that was peacefully administered by Ethiopia and that later would be on the Ethiopian side of the line to which Ethiopian armed forces were obligated to withdraw in 2000 under the Cease-Fire Agreement of June 18, 2000. In its Partial Award in Ethiopia's Central Front Claims, the Commission held that the best available evidence of the areas effectively administered by Ethiopia in early May 1998 is that line to which they were obligated to withdraw in 2000.[9] In the same Partial Award, the Commission explained why it must hold Eritrea liable for violations of international humanitarian law committed by it within such territory and why such holdings concerning conduct during the war have no effect on the international boundary as subsequently determined by the Eritrea-Ethiopia Boundary Commission.[10] The same principle governs application of the *jus ad bellum*.

16. Consequently, the Commission holds that Eritrea violated Article 2, paragraph 4, of the Charter of the United Nations by resorting to armed force to attack and occupy Badme, then under peaceful administration by Ethiopia, as well as other territory in the Tahtay Adiabo and Laelay Adiabo Weredas of Ethiopia, in an attack that began on May 12, 1998, and is liable to compensate Ethiopia for the damages caused by that violation of international law.[11]

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[8] The evidence included references to other high-level contacts and conversations between the Parties in the days prior to May 12, 1998, as well as suggestions of military preparations on both sides of the boundary during this period. However, these matters were not clarified during the proceedings, and the Commission is constrained to act on the basis of the record available to it.

[9] Partial Award in Ethiopia's Central Front Claims, *supra* note 3, para. 31.

[10] *Id.* at paras. 27–31.

[11] In addition to the UN Charter, Ethiopia contended that Eritrea's actions also violated the Charter of the Organization of African Unity, May 25, 1963, 479 U.N.T.S. p. 39 [hereinafter OAU Charter], as well as several bilateral agreements and customary international law. While the OAU Charter articulates important principles

17. This leaves Eritrea's third line of argument, based on Ethiopia's alleged declaration of war. On May 13, 1998, the Ethiopian Council of Ministers and Parliament passed a resolution that condemned the May 12 invasion and demanded the unconditional and immediate withdrawal of Eritrean forces from Ethiopian territory. This resolution was not, as Eritrea has asserted, a declaration of war. In international law, the essence of a declaration of war is an explicit affirmation of the existence of a state of war between belligerents.[12] Nevertheless, the resolution made clear that Ethiopia would not accept Eritrea's advances as a *fait accompli* and was determined to act in self-defense until the Eritrean forces withdrew or were compelled to leave the areas they had occupied. Ethiopia so notified the United Nations Security Council, pursuant to Article 51 of the UN Charter. Moreover, the Commission notes that the Parties subsequently maintained diplomatic relations and some economic relations, both of which would appear inconsistent with a formal declaration of war.

18. Ethiopia also contended that the unlawful armed attack by Eritrea that began on May 12 included all of Eritrea's subsequent attacks in May and June 1998 into Ethiopian territory along other parts of the border between the two States, as it considered those attacks to be a continuous second phase of a "30-day offensive" by Eritrea. It alleged that those attacks occurred across the Mareb River and at Zalambessa on the Central Front and at Adi Murug and Bure on the Eastern Front. In essence, Ethiopia contended that Eritrea carried out a program of pre-planned and coordinated armed attacks in multiple locations in violation of international law. This contention, however, has not been proved.

19. The evidence indicated that Eritrea's armed forces were more fully mobilized than those of Ethiopia and thus had the initiative in the first several months of the war, but that does not prove that Eritrea's actions, other than those in the areas of what became known as the Western Front addressed in this Partial Award, were predetermined. Based on the evidence before it, the Commission cannot resolve whether the Eritrean military operations from mid-May to mid-June 1998 in what became the Central and Eastern Fronts were pre-planned attacks, as Ethiopia contends, or were determined by developing military demands as both Parties sought to control key corridors of attack and defense after it became clear that Ethiopia would not acquiesce in Eritrea's captures of territory on the Western Front. What is clear is that, once the armed attack in the Badme area occurred and Ethiopia decided to act in self-defense, a war resulted that proved impossible to restrict to the areas where that initial attack was made.

20. In view of these holdings establishing Eritrea's liability for the unlawful armed attack on the Western Front that began on May 12, 1998, the Commission will request further briefing in the damages phase concerning the scope of the damages for which Eritrea is liable

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because of the fundamental role of the UN Charter in relation to the issues presented, this Partial Award does not consider these additional claims in detail.

[12] *See* Hague Convention (III) Relative to the Opening of Hostilities, Oct. 18, 1907, 36 Stat. p. 2259, 1 Bevans p. 649.

by reason of that attack, in addition to those damages following from the Commission's other Partial Awards.

IV. AWARD

In view of the foregoing, the Commission determines as follows:

A. Jurisdiction

1. The Commission has jurisdiction over the Claimant's *jus ad bellum* Claim.

B. Findings on Liability for Violation of International Law

1. The Respondent violated Article 2, paragraph 4, of the Charter of the United Nations by resorting to armed force on May 12, 1998 and the immediately following days to attack and occupy the town of Badme, then under peaceful administration by the Claimant, as well as other territory in the Claimant's Tahtay Adiabo and Laelay Adiabo Weredas.

2. The Claimant's contention that subsequent attacks by the Respondent along other parts of their common border were pre-planned and coordinated unlawful uses of force fails for lack of proof.

3. The scope of damages for which the Respondent is liable because of its violation of the *jus ad bellum* will be determined in the damages phase of these proceedings.

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PARTIAL AWARD – JUS AD BELLUM
ETHIOPIA'S CLAIMS 1–8

Done at The Hague, this 19th day of December 2005

President Hans van Houtte

George H. Aldrich

John R. Crook

James C.N. Paul

Lucy Reed